This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`

EXCHANGE
APR 25 1917

University of the State of New York Bulletin

Entered as second-class matter August 2, 1913, at the Post Office at Albany, N. Y., under the act of August 24, 1912

Published fortnightly

No. 632 ALBANY, N. Y. FEBRUARY 1, 1917

EDUCATION LAW

AS AMENDED TO JULY 1, 1916

LIBRARY OF THE UNIVERSITY OF CALIFORNIA

AND

OTHER LAWS RELATING TO SCHOOLS AND EDUCATION

	PAGE
Education Law	1
Appendix A: Other laws relating to schools	307
Appendix B: Other laws relating to the University	378
Appendix C: Practice of professions	394
Index	481

ALBANY
THE UNIVERSITY OF THE STATE OF NEW YORK
1917

D541-016-7000

GIFT OF

SIGILLVM · VNIVERSITATIS · CALIFORNIENSIS
LVX
FIAT
MDCCCLXVIII
EX LIBRIS

LB2529
N73
1916

16/10/17

New York (State) Laws, statutes etc.

University of the State of New York Bulletin

Entered as second-class matter August 2, 1913, at the Post Office at Albany, N. Y., under the act of August 24, 1916

Published fortnightly

No. 632 ALBANY, N. Y. FEBRUARY 1, 1917

EDUCATION LAW

AS AMENDED TO JULY 1, 1916

[Note.—The Education Law of 1910 amends the entire Education Law of 1909 and is a substitute therefor. The amendments enacted by the Legislatures of 1910–16 are inserted in their proper places. At the end of the schedule of repeals of the Education Law a table showing where the sections of the Education Law of 1909 may be found in the Education Law of 1910 is inserted.]

L. 1910, CHAP. 140 — AN ACT to amend the education law, generally.

[In effect April 22, 1910]

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter twenty-one of the laws of nineteen hundred and nine, entitled "An act relating to education, constituting chapter sixteen of the consolidated laws," is hereby amended to read as follows:

CHAPTER 16 OF THE CONSOLIDATED LAWS

EDUCATION LAW

Article 1. Short title and definitions (§§ 1, 2).
3. University (§§ 40–77).
4. Commissioner of education (§§ 90–99).
5. School districts (§§ 120–154).
6. School neighborhoods (§§ 170–172).
6-A. Temporary school districts (§§ 175–179).
6-B. Central rural schools (§§ 180–186).
7. District meetings (§§ 190–207).
8. School district officers; general provisions (§§ 220–236).
9. District clerk, treasurer, collector (§§ 250–257).
10. Trustees (§§ 270–285).
11. Boards of education (§§ 300–328).
12. Town clerks (§§ 340, 341).
13. Supervisors (§§ 360–365).

381741

Article 14. District superintendent of schools; his election, powers and duties (§§ 380–398).
15. Assessment and collection of taxes (§§ 410–440).
16. School buildings and sites (§§ 450–467).
17. School district bonds (§ 480).
18. School moneys (§§ 490–502).
19. Trusts for schools; gospel and school lots (§§ 520–528).
20. Teachers and pupils (§§ 550–567).
20-A. Medical inspection (§§ 570–577.)
21. Contract system (§§ 580–586).
22. General industrial schools, trade schools, and school of agriculture, mechanic arts and home making (§§ 600–607).
22-A. Farm school in counties (§§ 610–619-b).
23. Compulsory education (§§ 620–636).
24. School census (§§ 650–654).
25. Text-books (§§ 670–673).
26. Physiology and hygiene (§§ 690, 691).
26-A. Discipline and physical training (§§ 695–697).
27. The flag (§§ 710–713).
28. Fire drills (§§ 730–733).
29. Arbor day (§§ 750–752).
30. Teachers' institute (§§ 770–775).
31. Training classes (§§ 790–794).
32. Normal schools; state normal college (§§ 810–833).
32. Normal schools; state normal college (§§ 810–834).
34. Appeals or petitions to commissioner of education (§§ 880–882).
35. Orphan schools (§§ 900–902).
36. Schools for colored children (§§ 920–922).
37. Indian schools (§§ 940–954).
38. Instruction of deaf mutes and of the blind (§§ 970–980).
39. New York state school for the blind (§§ 990–1012).
40. Cornell university (§§ 1030–1039).
41. State school of agriculture at Saint Lawrence university (§§ 1050–1053).
41-A. State school of agriculture and domestic science at Delhi (§§ 1055–1060).
42. State school of agriculture at Alfred university (§§ 1070–1072).

Article 42-A. State school of agriculture at Cobleskill (§§ 1075–1078).
43. State school of agriculture at Morrisville (§§ 1090–1094).
43-A. Retirement fund for teachers in state institutions (§§ 1095–1099-a).
43-B. State teachers' retirement fund for public school teachers (§§ 1100–1109-c).
44. Libraries (§§ 1110–1141).
45. Court libraries (§§ 1169–1182).
45-A. State school of agriculture on Long Island (§§ 1185–1188).
46. Division of history and public records (§§ 1190–1198).
46-A. The New York-American Veterinary College (§§ 1190–1193).
47. Laws repealed; saving clause; when to take effect (§§ 1200–1202).

ARTICLE 1
Short Title and Definitions

Section 1. Short title.
2. Definitions.

§ 1. Short title. This chapter shall be known as the "Education Law."

§ 2. Definitions. As used in this chapter, the following specified terms mean as here defined.

1. Academy. The term "academy" means an incorporated institution for instruction in secondary education, and such high schools, academic departments in union schools and similar unincorporated schools as are admitted by the regents to the university as of academic grades.

2. College. The term "college" includes universities and other institutions for higher education authorized to confer degrees.

3. University. The term "university" means the university of the state of New York.

4. Regents. The term "regents" means board of regents of the university of the state of New York.

5. Commissioner. The term "commissioner" means commissioner of education.

6. School commissioner. The term "school commissioner" means the local officer provided for in article fourteen.

7. Secondary education. The term "secondary education" means instruction of academic grades, between the elementary grades and the college or university.

8. Higher education. The term "higher education" means education in advance of secondary education, and includes the work of colleges, universities, professional and technical schools, and educational work connected with libraries, museums, university and educational extension courses and similar agencies.

9. Trustee. The term "trustees," when not used in reference to a school district, includes directors, managers or other similar members of the governing board of an educational institution.

10. Parental relation. The term "persons in parental relation" to a child includes the parents, guardians or other persons, whether one or more, lawfully having the care, custody or control of such child.

11. Compulsory school ages. The term "child of compulsory school age" means any child between seven and sixteen years of age lawfully required to attend upon instruction.

12. School authorities. The term "school authorities" means the trustees, or board of education, or corresponding officers, whether one or more, and by whatever name known, of a city, or school district however created.

13. School officer. The term "school officer" means a clerk, collector, or treasurer of any school district; a trustee or member of a board of education or other body in control of the schools by whatever name known in a union free school district or in a city; a superintendent of schools; a truant officer; a school commissioner; or other elective or appointive officer in a school district or city whose duties generally relate to the administration of affairs connected with the public school system.

14. Board of education. The term "board of education" shall include by whatever name known the governing body charged with the general control, management and responsibility of the schools of a union free school district or of a city.

ARTICLE 2
Education Department

Section 20. Education department.
21. Divisions of department.
22. Assistant commissioners.
23. Other officers and employees.

Section 24. Removals and suspensions.
25. Joint seal.
26. Reports to the legislature.
27. State education building.

§ 20. Education department. The education department is hereby continued and shall be under the legislative direction of the regents and the executive direction of the commissioner of education, who is made, by section ninety-four of this act, the chief executive officer of the state system of education and of the regents. The said department is charged with the general management and supervision of all public schools and all of the educational work of the state, including the operations of the university of the state of New York.

§ 21. Divisions of department. By concurrent action of the regents and the commissioner of education the department may be divided into divisions. By like action new divisions may be created and existing divisions may be consolidated or abolished, and the administrative work of the department assigned to the several divisions.

§ 22. Assistant commissioners. The commissioner of education shall appoint, subject to the approval of the regents, such assistant commissioners as he shall deem necessary for the proper organization and general classification of the work of the department, and assign to such assistant commissioners the work which shall be under their respective supervision.

§ 23. Other officers and employees. The commissioner of education, subject to the approval of the regents, shall have power, in conformity with their rules, to appoint all other needed officers and employees and fix their titles, duties and salaries.

§ 24. Removals and suspensions. With the approval of the regents, the commissioner of education may, at his pleasure, remove from office any assistant commissioner, or other appointive officer or employee; and, when the regents are not in session, the commissioner may, during his pleasure, suspend, without salary, any such officer or employee, but not longer than till the adjournment of the succeeding meeting of the regents.

§ 25. Joint seal. The regents of the university and the commissioner of education shall together adopt, and may modify at any time, a seal, which shall be used in common as the seal of the education department and of the university; and copies of all records thereof and of all acts, orders, decrees and decisions

made by the regents or by the commissioner of education, and of their official papers, and of the drafts or machine copies of any of the foregoing, may be authenticated under the said seal and shall then be evidence equally with and in like manner as the originals.

§ 26. Reports to the legislature. The commissioner of education shall annually prepare a report of the education department, including the university, which shall be transmitted to the legislature over the signatures of the chancellor of the university and of the commissioner of education. At their pleasure, the regents or the commissioner of education may make other reports and communications to the legislature. Such portions of their annual or other reports or communications as the commissioner or the regents shall desire for such use shall be printed by the state printer as bulletins.

§ 27. State education building. After the completion of the state education building, it shall be occupied exclusively by the education department, including the university, with the state library, the state museum, and its other departments, together with such other work with which the commissioner of education and the regents have official relations, as they may, in their discretion, provide for therein; and such building and the offices of such department shall be maintained at state expense.

ARTICLE 3
University of the State of New York

Section 40. Corporate name and objects.
41. Regents.
42. Officers.
43. Meetings and absences.
44. Quorum.
45. Authority to take testimony.
46. Legislative power.
47. General examinations, credentials and degrees.
48. Academic examinations.
49. Admission and fees.
50. Registrations.
51. Supervision of professions.
52. Extension of educational facilities.
53. Departments and their government.

Section 54. State museum; how constituted.
55. Collections made by the staff.
56. Indian collection.
57. Institutions in the university.
58. Visitation and reports.
59. Charters.
60. Provisional charters.
61. Conditions of incorporation.
62. Change of name or charter.
63. Dissolution and rechartering. [Repealed by L. 1911, ch. 860.]
63. Liquidation of educational institutions. [Inserted by L. 1911, ch. 860.]
64. Dissolution of incorporated academy by stockholders.
65. Suspension of operations.
66. Prohibitions.
67. Unlawful acts in respect to examinations.
68. Powers of trustees of institutions.
69. Colleges may construct water-works and sewer systems.
70. State scholarships established.
71. Scholarship fund of the University of the State of New York.
72. Regents to make rules.
73. List of candidates, award of scholarship.
74. Issuance of scholarship certificate.
75. Effect of certificate; payments thereon.
76. Revocation of scholarship.
77. Limitation as to number of scholarships, courses of study.

§ 40. Corporate name and objects. The corporation created in the year seventeen hundred and eighty-four under the name of the Regents of the university of the state of New York, is hereby continued under the name of the university of the state of New York. Its objects shall be to encourage and promote education, to visit and inspect its several institutions and departments, to distribute to or expend or administer for them such property and funds as the state may appropriate therefor or as the university may own or hold in trust or otherwise, and to perform such other duties as may be intrusted to it.

§ 41. Regents. The university shall be governed and all its corporate powers exercised by a board of regents whose members shall at all times be three more than the then existing judicial districts of the state. The regents now in office and those hereafter elected shall hold, in the order of their election, for such times that the term of one regent will expire in each year on the first day of April, and his successor shall be chosen in the second week of the preceding February, on or before the fourteenth day of such month. A regent shall be elected by the legislature, on joint ballot of the two houses thereof.

All vacancies in such office, either for full or unexpired terms, shall be so filled that there shall always be in the membership of the board of regents at least one resident of each of the judicial districts. A vacancy in the office of regent for other cause than expiration of term of service shall be filled for the unexpired term by an election at the session of the legislature immediately following such vacancy, unless the legislature is in session when such vacancy occurs, in which case the vacancy shall be filled by such legislature. There shall be no "ex officio" members of the board of regents. No person shall be at the same time a regent of the university and a trustee, president, principal or any other officer of an institution belonging to the university. [*Amended by L.* 1915, *ch.* 3, *in effect February* 9, 1915.]

§ 42. Officers. The elective officers of the university shall be a chancellor and a vice-chancellor who shall serve without salary, and such other officers as are deemed necessary by the regents, all of whom shall be chosen by ballot by the regents and shall hold office during their pleasure; but no election, removal or change of salary of an elective officer shall be made by less than six votes in favor thereof. Each regent and each elective officer shall, before entering on his duties, take and file with the secretary of state the oath of office required of state officers.

The chancellor shall preside at all convocations and at all meetings of the regents, and confer all degrees which they shall authorize. In his absence or inability to act, the vice-chancellor, or if he be also absent, the senior regent present, shall perform all the duties and have all the powers of the chancellor.

§ 43. Meetings and absences. The regents may provide for regular meetings, and the chancellor, or the commissioner of education, or any five regents, may at any time call a special meeting of the board of regents and fix the time and place therefor; and at least ten days' notice of every meeting shall be mailed to the

usual address of each regent. If any regent shall fail to attend three consecutive meetings, without excuse accepted as satisfactory by the regents, he may be deemed to have resigned and the regents shall then report the vacancy to the legislature, which shall fill it.

§ 44. Quorum. Seven regents attending shall be a quorum for the transaction of business.

§ 45. Authority to take testimony. The regents, any committee thereof, the commissioner of education and any assistant commissioner of education may take testimony or hear proofs relating to their official duties, or in any matter which they may lawfully investigate.

§ 46. Legislative power. Subject and in conformity to the constitution and laws of the state, the regents shall exercise legislative functions concerning the educational system of the state, determine its educational policies, and except as to the judicial functions of the commissioner of education establish rules for carrying into effect the laws and policies of the state, relating to education, and the powers, duties and trusts conferred or charged upon the university. But no enactment of the regents shall modify in any degree the freedom of the governing body of any seminary for the training of priests or clergymen to determine and regulate the entire course of religious, doctrinal or theological instruction to be given in such institution. No rule by which more than a majority vote shall be required for any specified action by the regents shall be amended, suspended or repealed by a smaller vote than that required for action thereunder.

§ 47. General examinations, credentials and degrees. The regents may confer by diploma under their seal such honorary degrees as they may deem proper, and may establish examinations as to attainments in learning, and may award and confer suitable certificates, diplomas and degrees on persons who satisfactorily meet the requirements prescribed.

§ 48. Academic examinations. The regents shall establish in the secondary institutions of the university, examinations in studies furnishing a suitable standard of graduation therefrom and of admission to colleges, and certificates or diplomas shall be conferred by the regents on students who satisfactorily pass such examinations.

§ 49. Admission and fees. Any person shall be admitted to these examinations who shall conform to the rules and pay the fees prescribed by the regents.

§ 50. Registrations. The regents may register domestic and foreign institutions in terms of New York standards, and fix the value of degrees, diplomas and certificates issued by institutions of other states or countries and presented for entrance to schools, colleges and the professions in this state.

§ 51. Supervision of professions. Conformably to law the regents may supervise the entrance requirements to and the licensing and practice of the professions of medicine, dentistry, veterinary medicine, pharmacy and optometry, and also supervise the certification of nurses and public accountants.

§ 52. Extension of educational facilities. The regents may extend to the people at large increased educational opportunities and facilities, stimulate interest therein, recommend methods, designate suitable teachers and lecturers, conduct examinations and grant credentials, and otherwise organize, aid and conduct such work. And the regents, and with their approval the commissioner of education, may buy, sell, exchange and receive by will, or other gift, or on deposit, books, pictures, statuary or other sculptured work, lantern slides, apparatus, maps, globes, and any articles or collections pertaining to or useful in and to any of the departments, divisions, schools, institutions, associations or other agencies, or work, under their supervision, or control, or encouragement, and may lend or deposit any such articles in their custody or control, when or where in their judgment compensating educational usefulness will result therefrom; and may also, from time to time, enter into contracts desirable for carrying into effect the foregoing provisions.

§ 53. Departments and their government. The state library and state museum shall be departments of the university, and the regents may establish such other departments and divisions therein as they shall deem useful in the discharge of their duties.

§ 54. State museum; how constituted. All scientific specimens and collections, works of art, objects of historic interest and similar property appropriate to a general museum, if owned by the state and not placed in other custody by a specific law, shall constitute the state museum, and one of its officers shall annually inspect all such property not kept in the state museum rooms, and the annual report of the museum to the legislature shall include summaries of such property, with its location, and any needed recommendations as to its safety or usefulness. The

state museum shall include the work of the state geologist and paleontologist, the state botanist and the state entomologist, who, with their assistants, shall be included in the scientific staff of the state museum.

§ 55. Collections made by the staff. Any scientific collection made by a member of the museum staff during his term of office shall, unless otherwise authorized by resolution of the regents, belong to the state and form part of the state museum.

§ 56. Indian collection. There shall be made, as the Indian section of the state museum, as complete a collection as practicable of the historical, ethnographic and other records and relics of the Indians of the state of New York, including implements or other articles pertaining to their domestic life, agriculture, the chase, war, religion, burial and other rites or customs, or otherwise connected with the Indians of New York.

§ 57. Institutions in the university. The institutions of the university shall include all secondary and higher educational institutions which are now or may hereafter be incorporated in this state, and such other libraries, museums, institutions, schools, organizations and agencies for education as may be admitted to or incorporated by the university. The regents may exclude from such membership any institution failing to comply with law or with any rule of the university.

§ 58. Visitation and reports. The regents, or the commissioner of education, or their representatives, may visit, examine into and inspect, any institution in the university and any school or institution under the educational supervision of the state, and may require, as often as desired, duly verified reports therefrom giving such information and in such form as the regents or the commissioner of education shall prescribe. For refusal or continued neglect on the part of any institution in the university to make any report required, or for violation of any law or any rule of the university, the regents may suspend the charter or any of the rights and privileges of such institution.

§ 59. Charters. Under such name, with such number of trustees or other managers, and with such powers, privileges and duties, and subject to such limitations and restrictions in all respects as the regents may prescribe in conformity to law, they may, by an instrument under their seal and recorded in their office, incorporate any university, college, academy, library, museum, or other institution or association for the promotion of

science, literature, art, history or other department of knowledge, or of education in any way, associations of teachers, students, graduates of educational institutions, and other associations whose approved purposes are, in whole or in part, of educational or cultural value deemed worthy of recognition and encouragement by the university. No institution or association which might be incorporated by the regents under this chapter shall, without their consent, be incorporated under any other general law.

§ 60. Provisional charters. On evidence satisfactory to the regents that the conditions for an absolute charter will be met within a prescribed time, they may grant a provisional charter which shall be replaced by an absolute charter when the conditions have been fully met; otherwise, after the specified time, on notice from the regents to this effect, the provisional charter shall terminate and become void and shall be surrendered to the regents. No such provisional charter shall give power to confer degrees.

§ 61. Conditions of incorporation. No institution shall be given power to confer degrees in this state unless it shall have resources of at least five hundred thousand dollars; and no institution for higher education shall be incorporated without suitable provision, approved by the regents, for educational equipment and proper maintenance. No institution shall institute or have any faculty or department of education in any place or be given power to confer any degree not specifically authorized by its charter; and no corporation shall, under authority of any general act, extend its business to include establishing or carrying on any educational institution or work, without the consent of the board of regents.

§ 62. Change of name or charter. 1. The regents may, at any time, for sufficient cause by an instrument under their seal and recorded in their office, change the name, or alter, suspend or revoke the charter or incorporation of any institution which they might incorporate under section fifty-nine, if subject to their visitation or chartered or incorporated by the regents or under a general law; provided that, unless on unanimous request of the trustees of the institution, no name shall be changed and no charter shall be altered, nor shall any rights or privileges thereunder be suspended or repealed by the regents, till they have mailed to the usual address of every trustee of the institution concerned at least thirty days' notice of a hearing when any objections to the proposed change will be

considered, and till ordered by a vote at a meeting of the regents for which the notices have specified that action is to be taken on the proposed change.

2. Any notice to a trustee whose address is not readily ascertainable, may be mailed to him in care of the institution.

§ 63. Dissolution and rechartering. [*Repealed by L.* 1911, *ch.* 860.]

§ 63. Liquidation of educational institutions. Whenever any educational corporation subject to the visitation of the regents, chartered or incorporated by the regents or under a general law, shall cease to act in its corporate capacity, or shall have its charter revoked by the regents, it shall be lawful for the supreme court of this state, upon the application of the majority of the trustees thereof, in case said court shall deem it proper so to do, to order and decree a dissolution of such educational corporation, and for that purpose to order and direct a sale and conveyance of any and all property belonging to such corporation, and after providing for the ascertaining and payment of the debts of such corporation, and the necessary costs and expenses of such sale and proceedings for dissolution, so far as the proceeds of such sale shall be sufficient to pay the same, such court may order and direct any surplus of such proceeds remaining after payment of such debts, costs and expenses, to be devoted and applied to any such educational, religious, benevolent, charitable or other objects or purposes as the said trustees may indicate by their petition and the said court may approve.

Such application to said court shall be made by petition, duly verified by said trustees, which petition shall state the particular reason or causes why such sale and dissolution are sought; the situation, condition and estimated value of the property of said corporation, and the particular object or purposes to which it is proposed to devote any surplus of the proceeds of such property; and such petition shall, in all cases, be accompanied with proof that notice of the time and place of such intended application to said court has been duly published once in each week for at least four weeks successively, next preceding such application, in a newspaper published in the county where such corporation is located.

In case there shall be no trustees of such educational corporation residing in the county in which such corporation is located, such application may be made and such proceedings taken by the board

of regents of the university of the state of New York. This section shall not apply to the dissolution of an academy incorporated under the laws of this state and having a capital stock. [*Inserted by L.* 1911, *ch.* 860.]

§ 64. Dissolution of incorporated academy by stockholders. 1. Meeting to consider application for dissolution, when to be called. The trustees of any academy incorporated under the laws of this state and having a capital stock, may, and upon the written application of any person owning or lawfully holding one-third of the said capital stock, must call a general meeting of the stockholders of the said academy, as hereinafter provided, for the purpose of determining whether or not such incorporated academy shall surrender its charter and be dissolved and its property distributed among the stockholders thereof.

2. Notice thereof, how published. The notice for such general meeting must state the object thereof and be subscribed by the chairman or other acting presiding officer and the secretary or acting secretary of the said corporation or board of trustees; it shall be published once a week for three successive weeks prior to such meeting in a daily or weekly newspaper published in the place where the said academy is located; or if there be no such paper, then in a daily or weekly paper published within the county, if there be one, or, if not, in an adjoining county to that in which such academy is located.

3. Vote requisite for surrender of charter and dissolution. Whenever, at a meeting of the stockholders called as hereinbefore provided, any person or persons holding or qualified to vote upon a majority of the capital stock of such incorporated academy shall vote to surrender the charter thereof and to dissolve the corporation, the trustees of such academy, or a majority of them, must make and sign a certificate of such action, cause the same to be properly attested by the officers of the corporation and file the same, together with a copy of the published notice for the meeting at which such action was taken, and due proof of the publication thereof, in the office of the board of regents of the university of the state of New York and thereupon, if the said proceedings shall have been regularly conducted as above prescribed, the charter of said corporation shall be deemed to be surrendered and the said corporation dissolved.

4. Powers of trustees of academies upon dissolution. Upon the dissolution of such incorporated academy, as herein provided,

the trustees thereof shall forthwith become and be trustees of the creditors and stockholders of the corporation dissolved. They shall have full power to settle the affairs of the said corporation; to collect and pay the outstanding debts; to sue for and recover debts and property thereof by the name of the trustees of such corporation; to sell and dispose of the property thereof, at public or private sale, and to divide among the stockholders the moneys or other property that shall remain after the payment of debts and necessary expenses.

5. Notice to creditors to present claims, how published. The said trustees may, after the dissolution of the said corporation, insert in a newspaper published in the place where the said academy is located, or if there be none such then in a newspaper published within the county, if there be one, or, if not, in an adjoining county, a notice once in each week for three successive months, requiring all persons having claims against the said corporation dissolved to present the same with proof thereof to the said trustees, at the place designated in such notice, on or before a day therein named which shall be not less than three months from the first publication thereof. In case any action shall be brought upon any claim which shall not have been presented to the said trustees within three months from the first publication of such notice, the said trustees shall not be chargeable for any assets, moneys or proceeds of the said corporation dissolved, which they may have paid in satisfaction of other claims against the said corporation, or in making distribution to the stockholders thereof, before the commencement of such action.

6. Surrender of stock scrip, upon distribution to shareholders. Upon the distribution by the said trustees of assets or property, or the proceeds thereof, of the dissolved corporation among its stockholders the said trustees may require the certificates of ownership of capital stock, if such have been issued, standing in the name of any stockholder claiming a distributive share, or under whom such share is claimed, to be surrendered for cancellation by such stockholder or person claiming the said share; in the event of the non-production of any such certificate, the said trustees may require satisfactory proof of the loss thereof, or of any other cause for such non-production, together with such security as they may prescribe, before payment of the distributive share to which the person claiming upon such share of stock may appear to be entitled.

7. Notice of distribution, to absent and unknown shareholders. In case the said trustees upon such distribution by them of assets or property, or the proceeds thereof, of the dissolved corporation among its stockholders, shall be unable to find any of the said stockholders or the persons lawfully owning or entitled to any portion of the said capital stock, they shall give notice in the manner hereinabove provided for calling the general meeting of stockholders, and such distribution, to the persons in whose names such stock shall stand upon the books of the said corporation, requiring them to appear at a time and place designated, to receive the portion of such assets or property to which they may be entitled; in case of the failure of any such persons to so appear, it shall be lawful for the said trustees to pay over and deliver to the county treasurer of the county wherein such academy was located, or to any trust company or other corporation located within such county and authorized to receive moneys on deposit under order or judgment of a court of record, the proportion of the assets, property or proceeds aforesaid which such non-appearing stock bears to the whole stock; the said trustees shall also deliver therewith a list of the persons entitled to receive the same, together with the separate amounts to which they shall be severally entitled.

8. Liability of trustees, when to cease. Upon the payment and discharge of the debts and obligations of the corporation dissolved, as hereinbefore provided, and the distribution of its assets, property and proceeds among the stockholders thereof, and due provision made, as hereinabove prescribed, for the interests of non-appearing stockholders and such as can not be found, the said trustees shall become and be relieved and discharged from further duty, liability and responsibility by reason of their relation to the said corporation, or towards the stockholders thereof.

9. Duties and liabilities of custodians. Any county treasurer, trust company or other corporation to whom assets, property or proceeds shall be delivered as herein provided, shall hold the same in trust for the persons designated and entitled to receive it; and upon receiving satisfactory proof of the right and title thereto, or upon the order of any court of record competent to adjudicate thereupon, shall pay over and deliver to any persons entitled to receive the same the portion of such proceeds, property or assets to which they shall be entitled.

§ 65. Suspension of operations. If any institution in the university shall discontinue its educational operations without cause satisfactory to the regents, it shall surrender its charter to them, subject, however, to restoration whenever arrangements satisfactory to the regents are made for resuming its work.

§ 66. Prohibitions. 1. No individual, association or corporation not holding university or college degree-conferring powers by special charter from the legislature of this state or from the regents, shall confer any degrees, or transact business under or in any way assume the name university or college, till written permission to use such name shall have been granted by the regents under their seal.

2. No person shall buy, sell or fraudulently or illegally make or alter, give, issue or obtain any diploma, certificate or other instrument purporting to confer any literary, scientific, professional or other degree, or to constitute any license, or to certify to the completion in whole or in part of any course of study in any university, college, academy or other educational institution.

3. No diploma or degree shall be conferred in this state except by a regularly organized institution of learning meeting all requirements of law and of the university, nor shall any person with intent to deceive, falsely represent himself to have received any such degree or credential, nor shall any person append to his name any letters in the same form registered by the regents as entitled to the protection accorded to university degrees, unless he shall have received from a duly authorized institution the degree or certificate for which the letters are registered. Counterfeiting or falsely or without authority making or altering in a material respect any such credential issued under seal shall be a felony; any other violation of this section shall be a misdemeanor; and any person who aids or abets another, or advertises or offers himself to violate the provisions of this section, shall be liable to the same penalties.

§ 67. Unlawful acts in respect to examinations. A person who shall

1. Personate or attempt or offer to personate another person in taking, or attempting or offering to take an examination held in accordance with this chapter or with the rules of the university; or

2. Take, or attempt or offer to take, such an examination in the name of any other person; or

3. Procure any other person to falsely personate him or to take, or attempt or offer to take, any such examination in his name; or

4. Have in his possession question papers to be used in any such examination, when not contained in their sealed wrappers, or copies of such papers or questions, at any time prior to the date set for such examination, unless duly authorized by the regents or the commissioner of education; or

5. Sell or offer to sell question papers or any questions prepared for use in any examination held in accordance with this chapter or with the rules of the university; or

6. Use in any such examination any question papers or questions, or secure or prepare the answers to such questions prior to the time set for the examination; or

7. Transmit to the state education department answers to questions used in any such examination which are prepared or written outside of the period of examination, or alter any such answers after such period is closed; or

8. Otherwise secure or attempt to secure the record of having passed such examination in violation of the university rules; is guilty of a misdemeanor and upon conviction thereof shall be punished for a first offense by a fine of not less than fifty dollars or imprisonment for not less than thirty days, or by both such fine and imprisonment, and for a second offense by a fine of not less than two hundred and fifty dollars, or imprisonment for not less than six months or by both such fine and imprisonment.

§ 68. Powers of trustees of institutions. The trustees of every corporation created by the regents, unless otherwise provided by law or by its charter, may:

1. Number and quorum. Fix the term of office and number of trustees, which shall not exceed twenty-five, nor be less than five. If any institution has more than five trustees, the body that elects, by a two-thirds vote after notice of the proposed action in the call for a meeting, may reduce the number to not less than five by abolishing the office of any trustee which is vacant and filing in the regents' office a certified copy of the action. A majority of the whole number shall be a quorum.

2. Executive committee. Elect an executive committee of not less than five, who, in intervals between meetings of the

trustees, may transact such business of the corporation as the trustees may authorize, except to grant degrees or to make removals from office.

3. Meetings and seniority. Meet on their own adjournment or when required by their by-laws, and as often as they shall be summoned by their chairman, or in his absence by the senior trustee, on written request of three trustees. Seniority shall be according to the order in which the trustees are named in the charter or subsequently elected. Notice of the time and place of every meeting shall be mailed not less than five nor more than ten days before the meeting to the usual address of every trustee.

4. Vacancies and elections. Fill any vacancy occurring in the office of any trustee by electing another for the unexpired term. The office of any trustee shall become vacant on his death, resignation, refusal to act, removal from office, expiration of his term, or any other cause specified in the charter. If any trustee shall fail to attend three consecutive meetings without excuse accepted as satisfactory by the trustees, he shall be deemed to have resigned, and the vacancy shall be filled. Any vacancy in the office of trustee continuing for more than one year, or any vacancy reducing the number of trustees to less than two-thirds of the full number may be filled by the regents. No person shall be ineligible as a trustee by reason of sex.

5. Property holding. Take and hold by gift, grant, devise or bequest in their own right or in trust for any purpose comprised in the objects of the corporation, such additional real and personal property, beyond such as shall be authorized by their charter or by special or general statute, as the regents shall authorize within one year after the delivery of the instrument or probate of the will, giving, granting, devising or bequeathing such property, and such authority given by the regents shall make any such gift, grant, devise or bequest operative and valid in law. Any grant, devise or bequest shall be equally valid whether made in the corporate name or to the trustees of a corporation, and powers given to the trustees shall be powers of the corporation.

6. Control of property. Buy, sell, mortgage, let and otherwise use and dispose of its property as they shall deem for the best interests of the institution; and also to lend or deposit, or to receive as a gift, or on loan or deposit, literary, scientific or other articles, collections, or property pertaining to their work; and such gifts, loans or deposits may be made to or with the university

or any of its institutions by any person, or by legal vote of any board of trustees, corporation, association or school district, and any such transfer of property, if approved by the regents, shall during its continuance, transfer responsibility therefor to the institution receiving it, which shall also be entitled to receive any money, books or other property from the state or other sources to which said corporation, association or district would have been entitled but for such transfer.

7. Officers and employees. Appoint and fix the salaries of such officers and employees as they shall deem necessary, who, unless employed under special contract, shall hold their offices during the pleasure of the trustees; but no trustee shall receive compensation as such.

8. Removals and suspensions. Remove or suspend from office by vote of a majority of the entire board any trustee, officer or employee engaged under special contract, on examination and due proof of the truth of a written complaint by any trustee, of misconduct, incapacity or neglect of duty; provided, that at least one week's previous notice of the proposed action shall have been given to the accused and to each trustee.

9. Degrees and credentials. Grant such degrees and honors as are specifically authorized by their charter, and in testimony thereof give suitable certificates and diplomas under their seal; and every certificate and diploma so granted shall entitle the conferee to all privileges and immunities which by usage or statute are allowed for similar diplomas of corresponding grade granted by any institution of learning.

10. Rules. Make all by-laws and rules necessary and proper for the purposes of the institution and not inconsistent with law or any rule of the university; but no rule by which more than a majority vote shall be required for any specified action by the trustees shall be amended, suspended or repealed by a smaller vote than that required for action thereunder.

§ 69. Colleges may construct water-works and sewer systems. 1. Every incorporated college in this state is duly authorized and empowered to construct and maintain a system of water-works for the purpose of supplying its college buildings and premises with pure and wholesome water for domestic, sanitary and fire purposes, and for the preservation of the health of its students, faculty and employees, and for the preservation of the public health of the town, village or city in or

near which such college is located, and the construction and maintenance of such water-works is declared to be a public use. Such water-works, as often as necessary, may be enlarged or improved. Every such incorporated college owning its water-works system and having an adequate supply of water therefrom, may furnish water to persons other than students, faculty and employees of such college at and for a just and adequate compensation, providing that they reside within a sewer district now created in which the premises of the said college or any part thereof are embraced, and provided no municipal or private public service corporation operates or maintains a system of water-works therein capable of supplying water to such inhabitants. Whenever any such college shall extend its mains along any streets, avenues or highways for the purpose of supplying water to such inhabitants, it shall not lose its exemption from taxation by reason thereof, and shall not be deemed to be exercising a public or corporate franchise within the meaning of the tax law. [*Subdivision amended by L.* 1913, *ch.* 422, *in effect April* 30, 1913.]

2. Any such college shall have the right to acquire real estate, or any interest therein, necessary or proper for such water-works, and the right to lay, relay, repair and maintain conduit and water pipes, with connections and fixtures, on, through, and over the lands of others; the right to intercept and divert the flow of waters from the lands of riparian owners, and from persons owning and interested in any waters; and the right to prevent the flow or drainage of noxious, or impure, or unwholesome matter from the lands of others into its reservoirs, or sources of supply. But no such college shall ever have power to take or use water from any of the lands of this state, or any land, reservoir, or feeders, or any streams which have been taken by the state for the purpose of supplying the canals with water. The consent of an incorporated village or city must be obtained to lay any such pipes in or through its streets, and such consent may be accompanied by such reasonable conditions or restrictions as are proper.

3. Such college may cause such examinations and surveys for its proposed water-works to be made as may be necessary to determine the proper location thereof, and for such purpose, by its officers, agents and servants, may enter upon any lands or waters in the vicinity for the purpose of making such examinations and surveys, subject to liability for all damage done. When surveys or examinations are made or concluded, a map shall be made of

the lands or interests to be taken or entered upon, and on which the land or interest of each owner or occupant shall be designated, and all streets and roads in which it is proposed to lay conduit pipes, with the proposed line thereof, which map shall be dated and signed by the engineer making the same; and said map shall be filed and kept in the college library for examination and reference, and a duplicate thereof shall be filed in the clerk's office in each county wherein any of such lands or interests proposed to be taken are located. Such examinations and surveys may be ordered and directed by the president or board of trustees of such college. A majority of the trustees shall determine upon the construction of such water-works and the plans thereof, and order contracts therefor to be made by such officers of the college as may be designated.

4. If any such college shall be unable to agree upon such terms of purchase of any such property, right or easements, before or after plans shall be determined upon, it may, after such plans have been adopted, acquire the same by condemnation, according to the provisions of the condemnation law.

5. When any such college has constructed and completed water-works, as above provided, it may, by a majority of its trustees, determine upon and construct a sewer system; it may connect the same with the sewer system of the village or city in or near which said college is situated, if such connection is practicable. Examination, surveys and a map may be made as above provided. Lands and easements may be acquired by purchase, as above provided, and in case such acquisition can not be made by purchase then they may be acquired by condemnation, according to the provisions of the condemnation law.

§ 70. State scholarships established. 1. State scholarships are hereby established in the several counties of the state, to be maintained by the state and awarded as provided by this act.

2. Five such scholarships shall be awarded each county annually for each assembly district therein.

3. Each such scholarship shall entitle the holder thereof to the sum of one hundred dollars for each year which he is in attendance upon an approved college in this state during a period of four years, to be paid to or for the benefit of such holder as hereinafter provided, and out of a fund which is hereinafter created. [*Added by L.* 1913, *ch.* 292 *in effect August* 1, 1913.]

§ 71. Scholarship fund of the university of the state of New York. 1. The scholarship fund of the university of the state of New York is hereby created. Such fund shall consist:

(*a*) Of all money appropriated therefor by the legislature;

(*b*) Of all money and property hereafter received by the state, the regents of the university or the commissioner of education by gift, grant, devise or bequest for the purpose of providing funds for the payment of such scholarships and of all income or revenue derived from any trust created for such purpose.

2. Such fund shall be kept separate and distinct from the other State funds by the state treasurer, and payment shall be made therefrom to the persons entitled thereto in the same manner as from other state funds, except as otherwise provided by this act.

3. Whenever any such gift, grant, devise or bequest shall have been made or any trust shall have been created for the purpose of providing funds for such scholarships, the incomes or revenues derived therefrom shall be applied in maintaining scholarships in addition to those to be maintained by appropriations made by the state legislature, as provided herein, and no part of such income or revenue shall be applied for the maintenance of state scholarships hereinbefore established for each county. Such additional scholarships shall be equitably apportioned by the commissioner of education among the several counties, unless it be provided in the will, deed or other instrument making such gift, grant, devise or bequest, or creating such trust, that the incomes or revenues derived therefrom be applied to the establishment and maintenance of additional scholarships in a specified county. [*Added by L.* 1913, *ch.* 292, *in effect August* 1, 1913.]

§ 72. Regents to make rules. The regents shall make rules governing the award of such scholarships, the issuance and cancellation of certificates entitling persons to the benefits thereof, the use of such scholarships, by the persons entitled thereto, and the rights and duties of such state scholars, and the colleges which they attend, in respect to such scholarships, and providing generally for carrying into effect the provisions of this act. Such rules shall be in conformity with this act and shall have the force and effect of a statute. [*Added by L.* 1913, *ch.* 292, *in effect August* 1, 1913.]

§ 73. List of candidates, award of scholarships. 1. The commissioner of education shall cause to be prepared for

each county of the state, annually, during the month of August, from the records of the education department, a list of the names of all pupils residing therein who become entitled to college entrance diplomas under regents rules, during the preceding school year. Such list shall also show the average standing of the pupils in the several subjects on which each of such diplomas was issued.

2. The commissioner of education shall also cause the names of all pupils on the foregoing lists of the several counties, who are not appointed to scholarships in the county of their residence, to be arranged upon a state list in the order of their merit, as shown by their average standings on the several county lists, from which unclaimed vacant scholarships shall be filled as hereinafter provided.

3. The scholarships to which each county is entitled shall be awarded by the commissioner of education annually in the month of August to those pupils residing therein who become entitled to college entrance diplomas, under regent rules, during the preceding school year and in the order of their merit as shown by the list prepared as provided in subdivision one of this section.

4. In case a pupil who is entitled to a scholarship shall fail to apply for such scholarship within thirty days after being notified that he is entitled thereto or shall fail to comply with the rules of the regents as to such scholarships and the same shall have been revoked or canceled on account thereof, or, if for any other reason such scholarship shall become vacant, then the pupil standing next highest to those pupils on such list for such county who have received scholarships, shall be entitled to receive appointment to such vacant scholarship.

5. In case a scholarship belonging to a county shall not be claimed by a resident of such county or if there be no resident of the county entitled to appointment to the vacant scholarship in such county, the commissioner of education shall fill such vacancy by appointing from the state list the person entitled to such vacancy as provided in subdivision two of this section.

6. The commissioner of education shall cause such person entitled to receive appointment to a scholarship to be notified of his rights thereto and of his forfeiture of such rights by failure to make the application for such scholarship required under section seventy-four of this act. [*Added by L.* 1913, *ch.* 292, *in effect August* 1, 1913.]

§ 74. Issuance of scholarship certificate. Upon the application of a pupil duly notified of his right to a scholarship, the commissioner of education shall issue to such pupil a scholarship certificate. Such application and such certificate shall be in the form prescribed by the commissioner of education and such certificate shall specify the college for which it is valid. Said commissioner may also require such additional statements and information to accompany such application as he may deem necessary. [*Added by L.* 1913, *ch.* 292, *in effect August* 1, 1913.]

§ 75. Effect of certificate; payments thereon. The certificate issued as provided in the preceding section shall entitle the person named therein to receive the sum of one hundred dollars each year for a period of four years to aid such person in the completion of a college education. Such sum shall be paid by the state treasurer in two equal payments, one on October first and the other on March first out of the scholarship fund of the university of the state of New York, upon the warrant of the comptroller issued with the approval of the commissioner of education. Such approval shall be given upon vouchers or other evidence showing that the person named therein is entitled to receive the sum specified, either directly or for his or her benefit. The rules of the regents may prescribe conditions under which payments may be made direct to the college attended by the person named in such certificate, in behalf and for the benefit of such person. [*Added by L.* 1913, *ch.* 292, *and amended by L.* 1913, *ch.* 437, *in effect May* 1, 1913.]

§ 76. Revocation of scholarship. If a person holding a state scholarship shall fail to comply with the rules of the regents in respect to the use of such scholarship, or shall fail to observe the rules, regulations or conditions prescribed or imposed by such college on students therein, or shall for any reason be expelled or suspended from such college, or shall absent himself therefrom without leave, the commissioner of education may, upon evidence of such fact deemed by him sufficient, make an order under the seal of the education department revoking such scholarship and thereupon such scholarship shall become vacant and the person holding such scholarship shall not thereafter be entitled to further payment or benefits under the provisions of this act and the vacancy caused thereby shall be filled as provided in section seventy-three of this act. [*Added by L.* 1913, *ch.* 292, *in effect August* 1, 1913.]

§ 77. Limitation as to number of scholarships; courses of study. At no time shall there be more than twenty scholarships established and maintained for each assembly district and at no time shall there be more than three thousand such scholarships so established and maintained for the entire state not including scholarships maintained from the revenues or income of trust funds, or gifts, devises or bequests created or made as provided in this act for the maintenance of such scholarships. A person entitled to such scholarship shall not be restricted as to the choice of the college which he desires to attend, or the course of study which he proposes to pursue; provided that no such scholarship shall include professional instruction in law, medicine, dentistry, veterinary medicine or theology, except so far as such instruction is within a regularly prescribed course of study leading to a degree other than in the above named professions; and provided further, that the college selected by the person entitled to such scholarship is situated within the state of New York, and is incorporated as a college and authorized under the laws of this state and the rules of the regents of the university to confer degrees. [*Added by L.* 1913, *ch.* 292, *in effect August* 1, 1913.]

ARTICLE 4

Commissioner of Education

Section 90. Commissioner of education continued.
91. How chosen.
92. Term of office.
93. Salary.
94. General powers and duties.
95. Removal of school officers; withholding public money.
96. Other powers.
97. Schools of union free school districts and cities.
98. Reports of school officers.
99. County clerk and county treasurers to forward certain reports. [Added by L. 1911, ch. 159.]

§ 90. Commissioner of education continued. The office of commissioner of education is hereby continued.

§ 91. How chosen. 1. The commissioner of education shall be elected by a majority vote of the regents.

2. Such commissioner may be elected without regard to the place of his residence whether it be within or without the state of New York.

§ 92. Term of office. The commissioner of education shall serve during the pleasure of the board of regents.

§ 93. Salary. The salary of such commissioner shall be seven thousand five hundred dollars per annum, payable monthly, and he shall also be paid one thousand five hundred dollars in lieu and in full for his traveling and other expenses which shall also be payable monthly.

§ 94. General powers and duties. The commissioner of education is hereby charged with the following powers and duties:

1. He is the chief executive officer of the state system of education and of the board of regents. He shall enforce all general and special laws relating to the educational system of the state and execute all educational policies determined upon by the board of regents.

2. He shall have general supervision over all schools and institutions which are subject to the provisions of this act, or of any statute relating to education, and shall cause the same to be examined and inspected, and shall advise and guide the school officers of all districts and cities of the state in relation to their duties and the general management of the schools under their control.

3. He shall have general supervision of industrial schools, trade schools and schools of agriculture, mechanic arts and home making; he shall prescribe regulations governing the licensing of the teachers employed therein; and he is hereby authorized, empowered and directed to provide for the inspection of such schools, to take necessary action to make effectual the provisions therefor, and to advise and assist boards of education in the several cities and school districts in the establishment, organization and management of such schools.

4. He shall also have general supervision over the state normal schools which have been, or which may hereafter be, established as required by the provisions of this chapter.

5. He shall be ex officio a trustee of Cornell university.

6. He shall be responsible for the safe keeping and proper use of the department and university seal and of the books, records and other property in charge of the regents, and for the proper

administration and discipline of the various offices and divisions of the education department.

7. He may annul upon cause shown to his satisfaction any certificate of qualification granted to a teacher by any authority whatever or declare any diploma issued by a state normal school ineffective and null as a qualification to teach a common school within this state, and he may reconsider and reverse his action in any such matter.

8. He shall cause to be prepared and keep in his office records of all persons who have received, or shall receive, certificates of qualification to teach or diplomas of the state normal schools, with the dates thereof, and shall note thereon all annulments of such certificates and diplomas, and reversals thereof, with the dates and causes thereof, together with such other particulars as he may deem expedient.

9. He shall cause to be prepared suitable registers, blanks, forms and regulations for making all reports and conducting all necessary business under this chapter, and shall cause the same, with such information and instructions as he shall deem conducive to the proper organization and government of the common schools and the due execution of their duties by school officers, to be transmitted to the officers and persons intrusted with the execution of the same.

10. He may administer oaths and take affidavits concerning any matter relating to the duties of his office or pertaining in any way to the schools of the state or any part thereof.

11. He is hereby authorized to furnish, by means of pictorial or graphic representations, additional facilities for instruction in geography, history, science and kindred subjects, to the schools, institutions and organizations under the supervision of the regents. Material collected for this purpose may, under regents' general rules, be lent for a limited time to responsible institutions and organizations for the benefit of artisans, mechanics and other citizens of the several communities of the state. He may from time to time enter into contracts necessary for carrying out this provision.

12. He shall also have and execute such further powers and duties as he shall be charged with by the regents.

§ 95. Removal of school officers; withholding public money. 1. Whenever it shall be proved to his satisfaction that any trustee, member of a board of education, clerk, collector,

treasurer, school commissioner, superintendent of schools or other school officer has been guilty of any wilful violation or neglect of duty under this chapter, or any other act pertaining to common schools or other educational institution participating in state funds, or wilfully disobeying any decision, order or regulation of the regents or of the commissioner of education, said commissioner may, by an order under his hand and seal, which order shall be recorded in his office, remove such school officer from his office.

2. Said commissioner of education may also withhold from any district or city its share of the public money of the state for wilfully disobeying any provision of law or any decision, order or regulation as aforesaid.

§ 96. Other powers. The commissioner of education shall also have power and it shall be his duty to cause to be instituted such proceedings or processes as may be necessary to properly enforce and give effect to any provision in this chapter or in any other general or special law pertaining to the school system of the state or any part thereof or to any school district or city. He shall possess the power and authority to likewise enforce any rule or direction of the regents.

§ 97. Schools of union free school districts and cities. The schools of every union free school district and of every city in all their departments shall be subject to the visitation of the commissioner of education. He is charged with the general supervision of their boards of education and their management and conduct of all departments of instruction.

§ 98. Reports of school officers. The officers of the several districts and cities of the state and all other school officers shall make such reports and in such form from time to time in relation to the schools under their management and supervision as the commissioner of education shall require.

§ 99. County clerk and county treasurers to forward certain reports. 1. The county clerk of each county, shall upon the requisition of the commissioner of education, file with such commissioner any reports of trustees of school districts and boards of education or the abstract of such reports made by school commissioners which have been filed in the office of such county clerk pursuant to the provisions of the education law, whenever it is necessary for the commissioner of education to obtain information or data contained in official reports which have been transmitted to the education department but which have been destroyed by fire or otherwise.

2. The county treasurer of each county shall, upon the requisition of the commissioner of education, forward to said commissioner any original certificates relating to the apportionment of school moneys which the commissioner of education has filed in the office of such treasurer whenever it is necessary to obtain information on the apportionment of school moneys when the data relating thereto in the office of the commissioner of education has been destroyed by fire or otherwise. After securing such information as may be necessary from such certificates, the commissioner of education shall return the same to the treasurer of such county. [*Added by L.* 1911, *ch.* 159, *in effect May* 20, 1911.]

ARTICLE 5

School Districts

Section 120. Existing districts continued.
121. Formation of new district.
122. Number and description of districts.
123. Alteration by consent.
124. Alteration without consent.
125. Hearing of objections to order for alteration without consent.
126. Dissolution or alteration of joint district.
127. Special meeting of joint district to act regarding dissolution.
128. Dissolution by consent and consequent alteration of districts.
129. Dissolution, re-formation and consolidation of districts.
130. Consolidation of districts by vote of qualified electors.
131. Request for meeting to consolidate districts; notices of meeting.
132. Proceedings at meeting for consolidation; adoption of resolution; proceedings to be filed.
133. Order creating consolidated district; effect.
134. District quotas of consolidated districts.
134-a. The bonded indebtedness of certain dissolved districts.
135. Continuance of dissolved district for payment of debts.

Section 136. Deposits of records of dissolved district.
137. Property of districts consolidated.
138. Sale of property of dissolved district and disposition of proceeds.
139. Collection and distribution of moneys due dissolved district.
140. Fees of supervisor and town clerk.
141. Notice of meeting for establishment of union free school district.
142. Posting, publication and service of notice.
143. Notice in case of adjoining districts.
144. Expense of notice.
145. Proceedings at meeting and effect of affirmative vote.
146. Meeting to determine regarding reorganization as common school district.
147. Result of vote for or against reorganization.
148. Reversion to form of original school districts.
149. School commissioner may require equality of partition.
150. Effect of veto by school commissioner regarding subsequent meeting.
151. Report of proceedings to commissioner of education.
152. Distribution of moneys on dissolution.
153. School property exempt from taxation.
154. Application of funds obtained from sale of school property.

§ 120. Existing districts continued. All school districts organized either by special laws or pursuant to the provisions of a general law are hereby continued and may be altered or dissolved as herein provided.

§ 121. Formation of new district. 1. A district superintendent may organize a new school district out of the territory of one or more school districts which are wholly within his supervisory district, whenever the educational interests of the community require it. If there is an outstanding bonded indebtedness chargeable against the district or districts out of the territory of which such new district is organized, the district superintendent shall apportion said indebtedness between such new district and the remaining portion of the district or districts out of which such

new district is organized, according to the assessed valuation thereof, and the portion of the indebtedness so apportioned shall become a charge for principal and interest upon the respective districts as though the same had been incurred by said districts separately.

2. The district superintendents of two or more adjoining supervisory districts when public interests require it, may form a joint school district out of the adjoining portions of their respective districts. [*Section thus amended by L.* 1912, *ch.* 294.]

§ 122. Number and description of districts. 1. Each school commissioner shall renumber the school districts of each town in his commissioner district from time to time and shall also number each new district and shall describe in metes and bounds each of such school districts.

2. The order of a school commissioner forming or numbering a school district and the written description thereof together with all notices, orders, consents and proceedings relating to the formation or alteration thereof shall be filed with the town clerk of the town in which such district is located.

3. Every joint district shall bear the same number in every school commissioner district of whose territory it is in part composed.

§ 123. Alteration by consent. 1. With the written consent of the trustees of all the districts to be affected thereby, the district superintendent may make an order altering the boundaries of any school district within his jurisdiction, and fix in such order a day when the alteration shall take effect.

2. With the written consent of the board of education of a union free school district having a population of five thousand or more, and employing a superintendent of schools, and the written consent of the board of education or trustees of a district in a supervisory district adjoining such union free school district, the district superintendent having jurisdiction may make an order altering the boundaries of such districts, and fix in such order a day when the alteration shall take effect. [*Amended by L.* 1914, *ch.* 154, *in effect April* 6, 1914.]

§ 124. Alteration without consent. If the trustees of any district affected thereby refuse to consent, the school commissioner may make and file with the town clerk his order making the alteration, but reciting the refusal, and directing that the order

shall not take effect until a day therein to be named, and not less than three months after the date of such order.

§ 125. Hearing of objections to order for alteration without consent. 1. Within ten days after making and filing such order the school commissioner shall give at least a week's notice in writing to the trustees of all districts affected by the proposed alterations, that at a specified time, and at a named place within the town in which one of the districts to be affected lies, he will hear the objections to the alteration.

2. The trustees of any district to be affected by such order may request the supervisor and town clerk of each of the towns, within which such districts shall wholly or partly lie, to be associated with the school commissioner.

3. At the time and place mentioned in the notice, such commissioner, with the supervisors and town clerks, if they shall attend and act, shall hear and decide the matter, and the decision shall be final unless duly appealed from. Such decision must either affirm or vacate such order, and must be filed with and recorded by the town clerk of the town in which the district to be affected shall lie, and a tie vote shall be regarded a decision for the purposes of an appeal on the merits. Upon such appeal the commissioner of education may affirm, modify or vacate the order of the school commissioner or the action of the local board.

§ 126. Dissolution or alteration of joint district. The majority of the school commissioners within whose districts any joint school district lies may make an order at a meeting duly called by one of such commissioners altering or dissolving such district.

§ 127. Special meeting of joint district to act regarding dissolution. 1. If a school commissioner, by notice in writing, shall require the attendance of the other school commissioners, at a joint meeting for the purpose of altering or dissolving a joint district, and a majority of all the commissioners shall refuse or neglect to attend, such commissioners attending, or any one of them, may call a special meeting of such school district for the purpose of deciding whether such district shall be dissolved.

2. If such special meeting shall vote to dissolve the district the school commissioner who called such meeting may make an order dissolving the district and shall recite in such order the refusal or

neglect of the other school commissioners, his call of the special meeting and the action taken at such meeting.

§ 128. Dissolution by consent and consequent alteration of districts. 1. A school commissioner may dissolve one or more common school districts upon the written consent of the trustees of all the districts to be affected. When one or more of such districts adjoin a union free school district whose limits do not correspond with those of an incorporated village or city, he may annex the territory of such dissolved districts to such union free school district.

2. A school commissioner on the written consent of the boards of education of the districts affected may also dissolve a union free school district when it adjoins another union free school district and annex the territory of such dissolved district to such other union free school district.

§ 129. Dissolution, re-formation and consolidation of districts. Any school commissioner may dissolve one or more districts, and may from such territory form a new district; he may also unite such territory or a portion thereof to any adjoining school district, except a union free school district whose boundaries are coterminous with the boundaries of an incorporated village or city.

§ 130. Consolidation of districts by vote of qualified electors. Two or more common school districts may be consolidated and created as one common school district, *of two or more union free school districts may be consolidated and created as one union free school district, or one or more common school districts may be consolidated with one or more union free school districts and created as a union free school district, by a vote of the qualified electors thereof as provided in the following sections. [*Added by L.* 1913, *ch.* 129, *in effect March* 25, 1913.]

§ 131. Request for meeting to consolidate districts; notices of meeting. 1. Whenever two-thirds of the qualified electors of each of two or more districts in which there shall be less than fifteen qualified electors, or if there be fifteen or more qualified electors in either of such districts whenever ten or more of such electors shall sign a request for a meeting to be held for the purpose of determining whether such districts shall be consolidated as a common school district, and submit the same to the trustees or board of education of each of such districts, it shall be the duty of such trustees or board of education to give

* So in original.

public notice that a meeting of the qualified electors of such districts will be held at some convenient place within such districts, as centrally located as may be, to vote upon the question of consolidating such districts. Such notice shall specify the day and hour when such meeting shall be held, not less than twenty nor more than thirty days after the posting, service or publication of such notice. If the trustees or board of education shall refuse or neglect to give such notice within twenty days after such request is submitted the commissioner of education may authorize and direct any qualified elector of the district to give such notice.

2. If any part of either of such districts is situated wholly or partly within an incorporated village in which one or more newspapers are published, such notice shall be published once in each week for three consecutive weeks before such meeting in all the newspapers published in such village, and shall also be posted at least twenty days prior to such meeting, in at least five conspicuous places in each district. In all other districts the trustees or board of education of each district shall authorize and direct a qualified elector thereof to notify each qualified elector of such district of such meeting by delivering to him a copy of such notice or in case of his absence from home, by leaving a copy thereof, or so much thereof as relates to the time, place and object of the meeting, at the place of his abode, at least twenty days prior to the time of such meeting.

3. The reasonable expense of the publication and service of such notice shall be chargeable upon the districts, if the vote be in favor of consolidation, and if not, shall be paid by the persons signing the request for such meeting as provided by section one hundred and forty-four. [*Added by L.* 1913, *ch.* 129, *and amended by L.* 1914, *ch.* 101, *in effect April* 3, 1914.]

§ 132. Proceedings at meeting for consolidation; adoption of resolution; proceedings to be filed. Such meeting shall be organized as provided in section one hundred and forty-five. Such meeting may adopt a resolution to consolidate such districts if two-thirds of the qualified electors of each district having less than fifteen of such electors are present, or in case of districts having fifteen or more qualified electors if ten or more are present. The vote upon such resolution shall be by taking and recording the ayes and noes. The clerk shall keep a poll-list upon which shall be recorded the names of all qualified electors voting upon the resolution, the districts in which such

electors reside, and how each elector voted. If it shall appear from the votes so recorded that a majority of the qualified electors present and voting from each district are in favor of such resolution it shall be declared adopted. If a majority of the qualified electors present and voting from each district are not in favor of such resolution, all further proceedings at such meeting, except a motion to reconsider or adjourn shall be dispensed with and no such meeting shall be again called within one year thereafter.

Copies of such request, notice of meeting, order of the commissioner of education directing a qualified elector to call such meeting, if any, and the minutes of the meeting, including the record of the vote upon the resolution, duly certified by the chairman and clerk, shall be transmitted by either the chairman or clerk, one to the commissioner of education, and one to the district superintendent of schools in whose jurisdiction such districts are located. [*Added by L.* 1913, *ch.* 129, *and amended by L.* 1914, *ch.* 101, *in effect April* 3, 1914.]

§ 133. Order creating consolidated district; effect. The district superintendent shall thereupon issue an order consolidating such districts and creating a common school district, or union free school district, as the case may be, designating such district by number. Such order shall take effect at some date to be specified therein, not more than three months after the date of the meeting. He shall file such order in the town clerk's office of the town in which such districts are located. If such districts are located in two or more supervisory districts such order shall be executed jointly by the district superintendents of such districts. Such order shall have the same effect as an order executed by a district superintendent dissolving two or more common school districts and forming a new district therefrom, or dissolving one or more of such districts and uniting the territory thereof to a union free school district. But a district superintendent may, upon a petition of at least twenty-five qualified electors of the consolidated district, where one of the districts consolidated is a union free school district, or shall, when directed by the commissioner of education, direct the clerk of the board of education of such union free school district to call a special meeting of the qualified electors thereof, for the purpose of increasing the number of members of the board of education of such new district, subject to the limitations prescribed by section three hundred and eight of this chapter, or for the purpose of terminat-

ing the offices of the members of the board of education in office when the consolidation takes effect. If it be determined to increase the number of such members, such meeting shall elect the additional number so determined upon, as provided in such section three hundred and eight. If it be determined to elect a new board of education in place of the board in office when the consolidation takes effect, such meeting shall proceed with the election of a board of education as provided in sections three hundred and one and three hundred and two of this chapter. [*Added by L.* 1913, *ch.* 129, *in effect March* 25, 1913.]

§ 134. District quotas of consolidated districts. There shall be apportioned and paid to the district created by the consolidation of districts as provided in sections one hundred and twenty-eight, one hundred and twenty-nine and one hundred and thirty-two of this article district quotas for each of the districts consolidated in the same amount and under the same conditions as though such consolidation had not been effected. Such apportionment shall be based upon the assessed valuation of the taxable property within such districts as they existed at the time of the consolidation, and the trustees or board of education of the consolidated district shall include in their report a statement of such assessed valuation. The money so apportioned and paid to the consolidated district may be applied to the payment of the salaries of teachers, the transportation of pupils and the maintenance of the school in the district. [*Added by L.* 1913, *ch.* 129, *and amended by L.* 1914, *ch.* 101, *in effect April* 3, 1914.]

§ 134-a. The bonded indebtedness of certain dissolved districts. Whenever two or more districts are dissolved pursuant to the provisions of section one hundred and twenty-eight of this article and annexed to adjoining districts or consolidated as provided in section one hundred and thirty-two, the bonded indebtedness of any such district shall thereupon become a charge upon the enlarged district formed by such annexation. The board of education or trustees of such district shall raise by tax an amount sufficient to pay any of the bonds and interest thereof of such district as the same shall become due. [*Former* § 133 *renumbered and amended by L.* 1913, *ch.* 129, *in effect March* 25, 1913.]

§ 135. Continuance of dissolved districts for payment of debts. Though a district be dissolved, it shall continue to exist in law, for the purpose of providing for and paying

all its just debts; and to that end the trustees and other officers shall continue in office, and the inhabitants may hold special meetings, elect officers to supply vacancies and vote taxes; and all other acts necessary to raise money and pay such debts shall be done by the inhabitants and officers of the district.

§ 136. Deposit of records of dissolved district. 1. The school commissioner, or a majority of such commissioners in whose districts a dissolved school district was situated, shall by written order delivered to the clerk of the district, or to any person in whose possession the books, papers and records of the district, or any of them, may be, direct such clerk or other person to deposit the same in the clerk's office in the town named in the order.

2. Such clerk or other person, by neglect or refusal to obey the order, shall forfeit fifty dollars, to be applied to the benefit of the common schools of said town.

§ 137. Property of districts consolidated. When two or more districts shall be consolidated into one, the new district shall succeed to all the rights of property possessed by the annulled districts.

§ 138. Sale of property of dissolved district and disposition of proceeds. 1. When a district is divided into portions, which are annexed to other districts, its property shall be sold by the supervisor of the town, within which its school-house is situated, at public auction, after at least five days' notice.

2. Such notice shall be given by posting the same in three or more public places of the town in which the school-house is situated and in one conspicuous place in the district so dissolved.

3. The supervisor, after deducting the expenses of the sale, shall apply its proceeds to the payment of the debts of the district, and apportion the residue, if any, among the owners or possessors of taxable property in the district, in the ratio of their several assessments on the last corrected assessment-roll of the towns, and pay it over accordingly.

§ 139. Collection and distribution of moneys due dissolved district. The supervisor of the town within which the school-house of the dissolved district was situated may demand, sue for and collect, in his name of office, any money of the district outstanding in the hands of any of its former officers, or any other person; and, after deducting his costs and expenses, shall report the balance to the school commissioner who shall ap-

portion the same equitably among the districts to which the parts of the dissolved district were annexed, to be by them applied as their district meeting shall determine.

§ 140. Fees of supervisor and town clerk. The supervisor and town clerk shall be entitled each, to one dollar and fifty cents a day, for each day's service in any proceeding under section one hundred twenty-five of this article, to be levied and paid as a charge upon their town.

§ 141. Notice of meeting for establishment of union free school district. 1. Whenever fifteen persons entitled to vote at any meeting of the inhabitants of any school district in the state, shall sign a request for a meeting, to be held for the purpose of determining whether a union free school shall be established therein in conformity with the provisions of this article, it shall be the duty of the trustees of such district, within ten days after such request shall have been presented to them, to give public notice that a meeting of the inhabitants of such district entitled to vote thereat will be held for such purpose as aforesaid, at the school-house, or other more suitable place in such district, on a day and at an hour to be specified in such notice not less than twenty nor more than thirty days after the publication of such notice.

2. If the trustees shall refuse to give such notice, or shall neglect to give the same for twenty days, the commissioner of education may authorize and direct any inhabitant of such district to give the same.

§ 142. Posting, publication and service of notice. 1. Whenever such district shall correspond wholly or in part with an incorporated village, in which there shall be published a daily or weekly newspaper, the notice required in section one hundred and forty-one shall be given by posting the same in five conspicuous places in said district, at least twenty days prior to such meeting, and by causing the same to be published once a week for three consecutive weeks before such meeting, in all the newspapers published in said district.

2. In other districts the said notice shall be given by posting the same as aforesaid, and in addition thereto, the trustees of such district shall authorize and require any taxable inhabitant thereof to notify every other qualified voter in such district of such meeting by delivering to him a copy of such notice or in case of his absence from home, by leaving a copy thereof, or so much thereof

as relates to the time, place and object of the meeting, at the place of his abode at least twenty days prior to the time of such meeting.

§ 143. Notice in case of adjoining districts. 1. Whenever fifteen persons, entitled as aforesaid, from each of two or more adjoining districts, shall unite in a request for a meeting of the inhabitants of such districts, to determine whether such districts shall be consolidated by the establishment of a union free school therein, it shall be the duty of the trustees of such districts, or a majority of them, to give public notice of such meeting, at some convenient place within such districts, and as central as may be, within the time and to be published and served in the manner set forth in sections one hundred forty-one and one hundred forty-two of this article, in each of such districts.

2. The commissioner of education may order such meeting under the conditions and in the manner prescribed in section one hundred forty-one of this article.

§ 144. Expense of notice. The reasonable expense of the publication and service of such notice, shall be chargeable upon the district, in case a union free school is established by the meeting so convened, to be levied and collected by the trustees, as in case of taxes now levied for school purposes; but in the event that such union free school shall not be established, then the said expense shall be chargeable upon the inhabitants signing the request, jointly and severally, to be sued for, if necessary, in any court having jurisdiction of the same.

§ 145. Proceedings at meeting and effect of affirmative vote. 1. Any such meeting held pursuant to the foregoing provisions shall be organized by the election of a chairman and clerk and may be adjourned from time to time, by a majority vote, provided that such adjournment shall not be for a longer period than ten days; and whenever at any such meeting duly called and held under the provisions of sections one hundred forty-one and one hundred forty-two of this article, at least fifteen qualified voters of the districts shall be present; or at such meeting duly called and held under the provisions of section one hundred forty-three of this article, at least fifteen qualified voters of each of the two or more adjoining districts, joining in the request, shall be present, such meeting may, by the affirmative vote of a majority present and voting, adopt a resolution to establish a union free

school in said district, or to consolidate the two or more adjoining districts by establishing a union free school in said districts pursuant to the notice of said meeting. If said meeting shall determine to establish a union free school in said districts as aforesaid, it shall be lawful for such meeting thereafter to proceed to the election of a board of education as provided in sections three hundred and one and three hundred and two of this chapter.

2. The school commissioner in whose district the union free school district is thus organized shall designate such district as union free school district number .... of the town of ..... and the said board shall have the name and style of the board of education of (adding the designation aforesaid).

3. Copies of said request, notice of meeting, order of the commissioner of education directing some inhabitant to call said meeting, if any, and minutes of said meeting, duly certified by the chairman and clerk thereof, shall be transmitted and deposited, immediately after such meeting by one of such officers, one to and with the town clerk, one to and with the school commissioner in whose jurisdiction said districts are located, and one to and with the commissioner of education.

4. If at any such meeting, the question as to the establishment of a union free school shall not be decided in the affirmative, as aforesaid, then all further proceedings at such meeting, except a motion to reconsider or adjourn, shall be dispensed with, and no such meeting shall be again called within one year thereafter.

5. When any such meeting shall have established a union free school in said districts, such union free school district shall not be dissolved within the period of one year from the first Tuesday of August next after such meeting.

§ 146. Meeting to determine regarding reorganization as common school district. In any union free school district established under the laws of this state, and which shall have been established for the period of one year or more, it shall be the duty of the board of education, upon the application of fifteen resident taxpayers of such district, to call a special meeting in the manner prescribed by law, for the purpose of determining whether application shall be made in the manner hereinafter provided, for the dissolution of such union free school district, and for its reorganization as one or more common school districts.

§ 147. Result of vote for or against reorganization. 1. Whenever, at any such meeting called and held as aforesaid, it shall be determined by a majority vote of the legal voters present and voting, to be ascertained by taking and recording the ayes and noes, not to dissolve such union free school district, no other meeting for a similar purpose shall be held in said district within three years from the time the first meeting was held.

2. Whenever at any such meeting called and held as aforesaid it shall be determined by a two-thirds vote of the legal voters present and voting, to be ascertained by taking and recording the ayes and noes, to dissolve such union free school district, it shall be the duty of the board of education to present to the school commissioner of the commissioner district in which said union free school is situated, a certified copy of the call, notice and proceedings. If such school commissioner shall approve the proceedings of said meeting, he shall certify the same to the board of education. Such approval shall not take effect until the day preceding the first Tuesday of August next succeeding; but after that date such district shall cease to be a union free school district.

§ 148. Reversion to form of original school districts. If any union free school district dissolved under the foregoing provisions shall have been established by the consolidation of two or more districts, it shall be lawful for such school commissioner to order that its territory be divided into two or more districts, to correspond, so far as practicable, with the districts theretofore consolidated.

§ 149. School commissioner may require equality of partition. Such school commissioner may make his approval of the proceedings of any such meeting held as aforesaid conditional upon the payment, by the district which has been most greatly benefited by the consolidation in the way of buildings and other improvements to the other districts into which the said union free school district is divided, of such sum of money as he may deem equitable.

§ 150. Effect of veto by school commissioner regarding subsequent meeting. If such school commissioner shall not approve the proceedings of any such meeting, held as aforesaid, for the purpose of dissolving a union free school district, no other meeting shall be held in such district, for a similar purpose, within three years from the time the first meeting was held.

§ 151. Report of proceedings to commissioner of education. Whenever the proceedings of a meeting, held as aforesaid, for the purpose of dissolving a union free school district, shall have been approved by such school commissioner and shall have been certified by him to the board of education, it shall be the duty of the board of education of the district affected forthwith to file with the commissioner of education, copies of the call, notice, proceedings of the meeting, and the action taken by such school commissioner thereon.

§ 152. Distribution of moneys on dissolution. All moneys remaining in the hands of the treasurer of the union free school district when the order of dissolution shall take effect shall be apportioned equitably among the several districts into which such union free school district is divided, and shall be paid over to the collectors or treasurers of such districts when they shall have been elected and have qualified according to law.

§ 153. School property exempt from taxation. The grounds, buildings, furniture, books, apparatus and all other property of a school district shall not be subject to taxation for any purpose.

§ 154. Application of funds obtained from sale of school property. All moneys obtained from the sale of any school property authorized under the provisions of this chapter shall be applied for the benefit of the district as directed by the voters thereof in any annual or special meeting.

ARTICLE 6

School Neighborhoods

Section 170. Setting off school neighborhoods.
171. Neighborhood meetings.
172. Duties of neighborhood clerk and trustee.

§ 170. Setting off school neighborhoods. Each school commissioner in respect to the territory within his district shall have power, with the approval of the commissioner of education, to set off by itself any neighborhood adjoining any other state of the union, where it shall be found most convenient for the inhabitants to send their children to a school in such adjoining state, and to deliver to the town clerk of the town in which it lies, in whole or in part, a description of each such separate neighbor-

hood. He shall also prepare a notice, describing such neighborhood, and appointing a time and place for the first neighborhood meeting, and deliver such notice to a taxable inhabitant of such neighborhood. It shall be the duty of such inhabitant to notify every other inhabitant of the neighborhood, qualified to vote at the meeting, by reading the notice in his hearing, or, in case of his absence from home, by leaving a copy thereof, or so much thereof as relates to the time, place and object of the meeting, at the place of his abode, at least six days before the time of the meeting. In case such meeting shall not be held, and in the opinion of the school commissioner it shall be necessary to hold such meeting before the time herein fixed for the first annual meeting, he shall deliver another such notice to a taxable inhabitant of the neighborhood, who shall serve it as hereinbefore provided.

§ 171. Neighborhood meetings. The annual meeting of each neighborhood shall be held on the first Tuesday of August in each year, at the hour and place fixed by the last previous neighborhood meeting; or, if such hour and place has not been so fixed, then at the hour and place of such last meeting; or, if such place be no longer accessible, then at such other place as the trustee, or, if there be no trustee, the clerk, shall in the notices designate. The proceedings of no neighborhood meeting, annual or special shall be held illegal for want of a due notice to all the persons qualified to vote thereat, unless it shall appear that the omission to give such notice was wilful and fraudulent. The inhabitants of any neighborhood, entitled to vote, when assembled in any annual meeting or any special meeting called by the commissioner as above provided, shall have power, by a majority vote of those present, to appoint a chairman for the time being, and to choose a neighborhood clerk and one trustee, and to fill vacancies in office. The provisions of article seven of this chapter, shall apply to and govern such meeting, so far as the same can in substance be applied to the proceedings; and the provisions of article eight of this chapter shall apply to and govern the officers of such neighborhood, so far as the same can in substance be applied thereto.

§ 172. Duties of neighborhood clerk and trustee. The neighborhood clerk shall keep a record of the proceedings of his neighborhood, and of the reports of the trustees, and deliver the same to his successor. In case such neighborhood shall

be annexed to a district within this state its records shall be filed in the office of the clerk of such district. The trustee shall, between the twenty-fifth day of July and the first day of August in every year, make his annual report to the school commissioner, and file it in the office of the clerk of the town of which the neighborhood is a part. Such report shall specify the whole amount of public moneys received during the year and from what public officer, and the manner in which it was expended; the whole number of such children as can be included in the district trustees' report residing in the neighborhood on the thirtieth day of August prior to the making of such report; and any other matters which the commissioner of education may require.

ARTICLE 6-A.

(Article added by L. 1913, ch. 176, in effect April 3, 1913)

Temporary School Districts.

Section 175. Establishment of temporary school districts.
176. Organization of district; officers.
177. Maintenance of schools; teachers.
178. Payment of expenses; gifts and contributions.
179. Regulations of commissioner of education.

§ 175. Establishment of temporary school districts. Temporary school districts may be established outside of cities and union free school districts and public schools shall be maintained therein as hereinafter provided. Such districts may be established whenever any considerable number of persons shall have been congregated in camps or other places of temporary habitation, who are engaged in the construction of public works by, or under contract with, the state, or in the construction of public works or improvements by or under contract with any municipality. Such temporary districts shall be established by order of the district superintendent of schools of the supervisory district within which such camps or other places of temporary habitation are located, subject to the approval of the commissioner of education. Such order shall be filed in the state education department and if the public works or improvements are being constructed by a municipality, a copy thereof shall be

filed in the office of the officer or board of the city under whose direction they are being constructed. When so established such districts shall be entitled to share in the apportionment of public money as in the case of other school districts, except that each district quota shall be one hundred and twenty-five dollars. The money so apportioned shall be paid to the treasurer of the district and be applied in the payment of teachers' salaries. [*Added by L.* 1913, *ch.* 176, *in effect April* 3, 1913.]

§ 176. Organization of districts; officers. Each of such districts shall have a trustee who shall be appointed by the district superintendent of schools, and a district clerk and treasurer to be appointed by the trustee. Each of such officers shall serve during the continuance of the camp or other place of temporary habitation, unless sooner removed by the district superintendent. The treasurer shall give a bond to the people of the state, in an amount to be determined by the district superintendent, and with sureties approved by him, conditioned for the proper disbursement and accounting of all moneys received by him in behalf of such district. [*Added by L.* 1913, *ch.* 176, *in effect April* 3, 1913.]

§ 177. Maintenance of schools; teachers. Such schools shall be under the supervision of the district superintendent and shall be maintained pursuant to regulations adopted by the commissioner of education. They shall be free to all children of school age residing in such camps and other places of temporary habitation, and also to all adults residing therein. They shall be open at such hours as may be prescribed by the district superintendent, subject to the approval of the commissioner of education. The trustee of each such district shall employ qualified teachers for the school therein, for such term and at such rate of compensation as may be determined upon by the district superintendent with the approval of the commissioner of education. The said trustees shall provide suitable building or rooms for such school and shall require the same to be kept in proper condition for the maintenance thereof, and shall cause the same to be equipped and supplied with all necessary books, furniture, apparatus and appliances. [*Added by L.* 1913, *ch.* 176, *in effect April* 3, 1913.]

§ 178. Payment of expenses; gifts and contributions. The costs and expenses of maintaining such schools in

temporary districts, exclusive of the amount apportioned thereto out of the public moneys, shall be paid in such districts where the public works are being constructed by the state, out of moneys appropriated for such purpose. In districts where public works or improvements are being constructed for a municipality, such costs and expenses shall be a charge upon such municipality, and shall be paid out of funds available for the payment of the costs of construction of such works or improvements.

The trustees of such district shall prepare an estimate of the amount of probable expenditures for the maintenance of the public schools in such district, which shall include a statement of the amount in the hands of the treasurer available for such maintenance, the amount received by such treasurer from gifts, contributions and other sources, and the amount to be received from the public school moneys, as herein provided, and shall also state the amount required to be raised for such school, specifying the items thereof, for the ensuing school year. The form of such estimate shall be prescribed by the district superintendent. In the districts where the public works are being constructed by a municipality the said estimate shall be executed in duplicate, one of which shall be filed with the state education department, and the other shall be filed in the office of the department or officer of the municipality under whose supervision such public works are being constructed. Upon the approval of such estimates by the state education department, notice thereof shall be given to the said department or officer of the municipality, and payment of the amount specified in such estimate shall be made to the treasurer of such district. The treasurer shall preserve vouchers of all payments made by him on account of the school in his district and shall make no payments for purposes not provided for in the estimate, nor without the order of the trustee of the district accompanied with the necessary vouchers. [*Added by L.* 1913, *ch.* 176, *in effect April* 3, 1913.]

§ 179. Regulations of commissioner of education. The commissioner of education shall make regulations, not inconsistent herewith, for the purpose of providing for the establishment and maintenance of schools as herein provided, and for the purpose of carrying into effect the full intent of this article. [*Added by L.* 1913, *ch.* 176, *in effect April* 3, 1913.]

ARTICLE 6-B.

(Article added by L. 1914, ch. 55, in effect March 18, 1914.)

Central Rural Schools.

Section 180. Formation of districts.
181. Notice of meeting and expense of notice.
182. Trustees at meeting.
183. Powers and duties of boards of education.
184. Powers and limitations of districts.
185. State aid.
186. Transportation of scholars.

§ 180. Formation of districts. The commissioner of education is hereby authorized and empowered to lay out in this state in any territory exclusive of a city school districts conveniently located for the attendance of scholars and of suitable size for the establishment of central schools to give instruction usually given in the common schools and in high schools, including instruction in agriculture. [*Added by L.* 1914, *ch.* 55, *in effect March* 18, 1914.]

§ 181. Notice of meeting and expense of notice. Whenever fifteen persons who are residents and taxable inhabitants in any such district shall unite in a request for a meeting of the inhabitants of such district to determine whether such school shall be established, and file the same in writing with the town clerk of the town in which such district is located, or if located in more than one town, with the town clerk of each town in which any part of such district is, it shall be the duty of each town clerk with whom such notice is filed to post a notice of such meeting, not less than five or more than ten days after the same is filed in his office, in three conspicuous places in the district if the whole thereof be in his town, or if not, in that part of the district located in his town. If the district be located in more than one town the notice shall be prepared by the clerk of the town containing the largest portion of the territory of the district and furnished by him to the other town clerk or clerks for posting. If a weekly or daily newspaper be published within such school district the notice shall be published therein by the clerk preparing the notice, at least three days before the meeting. All reasonable expense of the publication and service of such notice shall

be a town charge upon the town or towns in which the said district, or a part thereof, is located, unless the district decides to establish a central school under this act, in which case such expense shall be a charge upon the district. [*Added by L.* 1914, *ch.* 55, *in effect March* 18, 1914.]

§ 182. Trustees at meeting. 1. Any such meeting held pursuant to such notice shall be organized by the election of a chairman and clerk, and may be adjourned from time to time by a majority vote, provided that such adjournment shall not be for a longer period than ten days; and whenever at any such meeting duly called and held under the provisions of this act fifteen qualified voters of the district shall be present, such meeting may, by an affirmative vote of a majority present and voting, adopt a resolution to establish a central school in said district. If said meeting shall determine to establish such school in said district, it shall be lawful for said meeting thereafter to proceed to the election by ballot of a board of education of not less than three nor more than seven trustees who shall, by the order of said meeting, be divided into three classes, as nearly equal as may be, the first to hold until one, the second until two, and the third until three years from the first Tuesday in August next following. Thereafter there shall be elected in such districts at the annual meeting trustees to supply the places of those whose terms of office by the classification aforesaid expire. The trustees thus elected shall enter at once upon their offices. The said trustees and their successors in office shall constitute the board of education of such district.

2. The commissioner of education shall designate the district thus organized as central school district number ..... of the town or towns of..... and the said board shall have the name and style of "the board of education of (adding the designation aforesaid)."

3. Copies of said requests, notice of meeting and minutes of said meeting duly certified by the chairman and clerk thereof shall be transcribed and deposit made after such meeting by one of said officers, one to and with the town clerk of each town in which any part of said district is located, one to and with the school superintendent in whose jurisdiction the district or any part thereof is located, and one to and with the commissioner of education.

4. If at any such meeting the question as to the establishment

of a central school shall not be decided in the affirmative as aforesaid, then all further proceedings at such meeting, except a motion to reconsider the question, shall be dispensed with, and no such meeting shall be again called within one year thereafter.

5. If any town clerk fail to perform any duty devolving upon him under this act the same may be performed by the commissioner of education. [*Added by L.* 1914, *ch.* 55, *in effect March* 18, 1914.]

§ 183. Powers and duties of boards of education. Boards of education in any such district shall have the same powers and duties as boards of education in union free school districts as prescribed by this act. Nothing in this act shall be construed to deprive any existing school district of the property belonging to such district, or to affect the indebtedness of said district.

§ 184. Powers and limitations of district. Any central district thus established shall have the same powers and be subject to the same limitations that are now conferred or imposed by law upon union free school districts as provided by this act. [*Added by L.* 1914, *ch.* 55, *in effect March* 18, 1914.]

§ 185. State aid. Any district organized under the provisions of this act shall from the time of its organization receive from the state the amount of money on the basis of attendance paid to the common school districts included therein during the year preceding its organization, at the rate that the said districts were then entitled to receive moneys pursuant to law. If a common school district be divided in the formation of a central district the moneys of such common school district shall be apportioned by the commissioner of education, and the share thereof apportioned to that part of the common school district included in the central district shall be paid to the central district. Whenever any such district shall comply with the requirements of section six hundred and four of the education law in relation to the establishment of general schools of agriculture and home making, the commissioner of education shall make the same annual apportionment of state school moneys to such central school as is now required to be made by law to a high school or union free school district complying therewith. Any such central district shall also receive all other allowances of public moneys apportioned by the state which it would be entitled to receive if it were a union free school district. [*Added by L.* 1914, *ch.* 55, *in effect March* 18, 1914.]

§ 186. Transportation of scholars. The commissioner of education shall have power in any such central district to require the payment by the district of such expense of transportation of school children to and from the school as in his judgment justice requires, and the same shall be a charge upon the district. [*Added by L.* 1914, *ch.* 55, *in effect March* 18, 1914.]

ARTICLE 7
District Meetings

Section 190. Notice of first meeting of district.
191. Service of notice of first meeting of district.
192. Second notice of first meeting of district.
193. Notice of annual meeting.
194. Time and place of annual meeting.
195. Annual meetings of districts re-formed after dissolution.
196. Special meeting to transact business of annual meeting.
197. Special meetings in common school districts.
198. Special meetings in union free school *district.
199. Call of special district meeting by school commissioner.
200. Effect of want of due notice of district meetings.
201. Penalty for failure to serve notice.
202. Duty to attend district meetings.
203. Qualifications of voters at district meetings.
204. Declaration in case of challenge of voter.
205. Penalty for false declaration or unauthorized vote.
206. Powers of voters.
207. Vote on proposition to expend money.

§ 190. Notice of first meeting of district. Whenever any school district shall be formed, or two or more common school districts are consolidated as provided in section one hundred and thirty-two the district superintendent of schools, or any one or more of such district superintendents within whose districts it may be, shall prepare a notice describing such district, and appointing a time and place for the first district meeting, and deliver such notice to a taxable inhabitant of the district. [*Amended by L.* 1913, *ch.* 129, *in effect March* 25, 1913.]

* So in original.

§ 191. Service of notice of first meeting of district. It shall be the duty of such inhabitant to notify every other inhabitant of the district qualified to vote at the meeting, by delivering to him a copy of the notice of such meeting, or in case of his absence from home, by leaving a copy thereof, or so much thereof as relates to the time, place and object of the meeting, at the place of his abode, at least six days before the time of the meeting.

§ 192. Second notice of first meeting of district. In case such meeting shall not be held, and in the opinion of the school commissioner it shall be necessary to hold such meeting, before the time herein fixed for the first annual meeting, he shall deliver another such notice to a taxable inhabitant of the district, who shall serve it as provided in section one hundred and ninety-one.

§ 193. Notice of annual meeting. 1. The district clerk of each common school district shall give notice of the time and place of the annual meeting by posting five notices of such meeting in five conspicuous places in the district five days previous to the date of such meeting. One of such notices must be posted on the front door of the school-house.

2. The clerk of each union free school district shall give notice of the time and place of the annual meeting by publishing a notice once in each week within the four weeks next preceding such district meeting, in two newspapers if there shall be two, or in one newspaper if there shall be but one, published in such district. But if no newspaper shall then be published therein, the said notice shall be posted in at least twenty of the most public places in said district twenty days before the time of such meeting. [*Subdivision amended by L.* 1915, *ch.* 171, *in effect April* 2, 1915.]

§ 194. Time and place of annual meeting. The annual meeting of each school district shall be held on the first Tuesday of May in each year, and, unless the hour and place thereof shall have been fixed by a vote of a previous district meeting, the same shall be held in the schoolhouse at seven-thirty o'clock in the evening. If a district possesses more than one schoolhouse, it shall be held in the one usually employed for that purpose, unless the trustees designate another. If the district possesses no schoolhouse, or if the schoolhouse shall not be accessible, then the annual meeting shall be held at such place as a

trustee, or, if there be no trustee, the clerk, shall designate in the notice. Provided, however, that in union free school districts whose limits do not correspond with those of an incorporated city or village, the board of education may at any regular meeting, by resolution duly adopted and entered upon its minutes, determine that the annual meeting of such union free school district shall be held on the first Tuesday in August; and thereafter until such determination shall be changed, such annual meeting shall be held on the first Tuesday in August of each year; and where any such district shall have heretofore or hereafter determined that the election of the members of the board of education shall be held on the Wednesday next following the day designated by law for holding the annual meeting of such district as provided by section three hundred and three of the education law, such election shall be held at the time so determined until such determination shall be changed. [*Amended by L.* 1910, *ch.* 442; *L.* 1913, *ch.* 440, *and L.* 1915, *ch.* 232, *in effect April* 7, 1915.]

§ 195. Annual meetings of districts reformed after dissolution. The districts formed by the dissolution of a union free school district, as provided in sections one hundred and forty-six and one hundred and forty-seven of this chapter shall hold their annual meetings on the first Tuesday of May next after the dissolution of such union free school district, and shall elect officers as now required by law. [*Amended by L.* 1913, *ch.* 129, *in effect March* 25, 1913.]

§ 196. Special meeting to transact business of annual meeting. Whenever the time for holding the annual meeting in school districts shall pass without such meeting being held in a district, a special meeting shall thereafter be called by the trustees or by the clerk of such district for the purpose of transacting the business of the annual meeting; and if no such meeting be called by the trustees or the clerk within ten days after such time shall have passed, the school commissioner of the commissioner district in which said school district is situated or the commissioner of education may order any inhabitant of such district to give notice of such meeting in the manner provided in section one hundred ninety-one, and the officers of the district shall make to such meeting the reports required to be made at the annual meeting, subject to the same penalty in case of neglect; and the officers elected at such meeting shall hold their respective

offices only until the next annual meeting and until their successors are elected and shall have qualified.

§ 197. Special meetings in common school districts. 1. A special district meeting shall be held whenever called by the trustees. The notice thereof shall state the purposes for which it is called, and no business shall be transacted at such special meeting, except that which is specified in the notice; and the district clerk, or, if the office be vacant, or the clerk be sick or absent, or shall refuse to act, a trustee, or some taxable inhabitant, by order of the trustees, shall serve the notice upon each inhabitant of the district qualified to vote at district meetings, at least six days before the day of the meeting, in the manner prescribed in section one hundred ninety-one.

2. The inhabitants of a district may, at any annual meeting, adopt a resolution prescribing some other mode of giving notice of special meetings, which resolution and the mode prescribed thereby shall continue in force until rescinded or modified at some subsequent annual meeting.

§ 198. Special meetings in union free school districts. 1. Boards of education shall have power to call special meetings of the inhabitants of their respective districts whenever they shall deem it necessary and proper, in the manner prescribed in subdivision two of section one hundred and ninety-three of this chapter.

2. In union free school districts whose limits correspond with those of any incorporated village or city, the boards of education shall have power to call special meetings of the inhabitants of their respective districts for the purposes mentioned in section four hundred and sixty-seven in the manner prescribed in said subdivision two of section one hundred and ninety-three.

§ 199. Call of special district meeting by school commissioner. When the clerk and all the trustees of a school district shall have removed from the district, or their office shall be vacant, so that a special meeting can not be called, as hereinbefore provided, the school commissioner may in like manner give notice of, and call a special district meeting.

§ 200. Effect of want of due notice of district meetings. The proceedings of no district meeting, annual or special, shall be held illegal for want of a due notice to all the persons qualified to vote thereat, unless it shall appear that the omission to give such notice was wilful and fraudulent.

§ 201. Penalty for failure to serve notice. Every taxable inhabitant, to whom a notice of any district meeting shall be delivered for service pursuant to any provisions of this article, who shall refuse or neglect to serve the same, as hereinbefore prescribed, shall forfeit five dollars for the benefit of the district.

§ 202. Duty to attend district meetings. Whenever any district meeting shall be duly called, it shall be the duty of the inhabitants qualified to vote thereat, to assemble at the time and place fixed for the meeting.

§ 203. Qualifications of voters at district meetings. A person shall be entitled to vote at any school meeting for the election of school district officers, and upon all other matters which may be brought before such meeting who is:

1. A citizen of the United States.
2. Twenty-one years of age.
3. A resident within the district for a period of thirty days next preceding the meeting at which he offers to vote; and who in addition thereto possesses one of the following four qualifications:

a. Owns or hires, or is in the possession under a contract of purchase of real property in such district liable to taxation for school purposes, or

b. Is the parent of a child of school age, provided such child shall have attended the district school in the district in which the meeting is held for a period of at least eight weeks during the year preceding such school meeting, or

c. Not being the parent, has permanently residing with him a child of school age who shall have attended the district school for a period of at least eight weeks during the year preceding such meeting, or

d. Owns any personal property, assessed on the last preceding assessment-roll of the town, exceeding fifty dollars in value, exclusive of such as is exempt from execution.

No person shall be deemed to be ineligible to vote at any such meeting, by reason of sex, who has the other qualifications required by this section.

§ 204. Declaration in case of challenge of voter. If a person offering to vote at any school district meeting shall be challenged as unqualified, by any legal voter in such district, the chairman presiding at such meeting shall require the person so offering, to make the following declaration: "I do declare and affirm that I am, and have been, for the thirty days last past, an

actual resident of this school district and that I am qualified to vote at this meeting." And every person making such declaration shall be permitted to vote on all questions proposed at such meeting; but if any person shall refuse to make such declaration, his vote shall be rejected.

§ 205. Penalty for false declaration or unauthorized vote. A person who shall wilfully make a false declaration of his right to vote at a school meeting, after his right to vote thereat has been challenged, shall be deemed guilty of a misdemeanor. And a person not qualified to vote at such meeting, who shall vote thereat, shall thereby forfeit ten dollars, to be sued for by the supervisor for the benefit of the common schools of the town.

§ 206. Powers of voters. The inhabitants entitled to vote, when duly assembled in any district meeting, shall have power, by a majority of the votes of those present:

1. To appoint a chairman.
2. To appoint a clerk for the time if the district clerk is absent.
3. To adjourn from time to time as occasion may require.
4. To elect one or three trustees as hereinafter provided, a district clerk and a district collector, and in any district which shall so determine, as hereinafter provided, to elect a treasurer, at their first meeting, and so often as such offices or any of them become vacated, except as hereinafter provided.
5. At the first meeting, or at any subsequent annual meeting, or at any special meeting duly called for that purpose, the qualified voters of any school district are authorized to adopt by a vote of a majority of such voters present and voting, to be ascertained by taking and recording the ayes and noes, a resolution to elect a treasurer of said district, who shall be the custodian of all moneys belonging to said district, and the disbursing officer of such moneys. If such resolution shall be adopted, such voters shall thereupon elect by ballot a treasurer for said district. Any person elected treasurer at any meeting other than an annual meeting, shall hold office until the next annual meeting after such election, and until his successor shall be elected or appointed, and thereafter a treasurer shall be elected at each annual meeting for the term of one year. (*Thus amended by L.* 1910, *ch.* 442, *in effect September* 1, 1910.)

6. To fix the amount in which the collector and treasurer shall give bonds for the due and faithful performance of the duties of their offices.

7. To designate a site for a schoolhouse, or for grounds to be used for playgrounds, or for agricultural, athletic center and social center purposes, or, with the consent of the district superintendent of schools within whose district the school district lies, to designate sites for two or more schoolhouses for the district. Such designation of a site for a schoolhouse, or for such grounds, can be made only at a special meeting of the district, duly called for such purpose by a written resolution in which the proposed site shall be described by metes and bounds, and which resolution must receive the assent of a majority of the qualified voters present and voting, to be ascertained by taking and recording the ayes and noes, or by ballot. [*Subdivision amended by L.* 1913, *ch.* 221, *in effect April* 5, 1913.]

8. To vote a tax upon the taxable property of the district, to purchase, lease and improve such sites or an addition to such sites and grounds for the purposes specified in the preceding subdivision, to hire or purchase rooms or buildings for schoolrooms or schoolhouses, or to build schoolhouses; to keep in repair and furnish the same with necessary fuel, furniture and appurtenances, and to purchase such implements, apparatus and supplies as may be necessary to provide instruction in agriculture and other subjects, and for the organization and conduct of athletic, playground and other social center work. [*Subdivision amended by L.* 1913, *ch.* 221, *in effect April* 5, 1913.]

9. To vote a tax, not exceeding twenty-five dollars in any one year, for the purchase of maps, globes, reproductions of standard works of art, blackboards and other school apparatus, and for the purchase of text-books and other school necessaries for the use of poor scholars of the district. [*Subdivision amended by L.* 1914, *ch.* 216, *in effect April* 7, 1914.]

10. To vote a tax for the establishment of a school library and the maintenance thereof, or for the support of any school library already owned by said district, and for the purchase of books therefor, and such sum as they may deem necessary for the purchase of a book-case.

11. To vote a tax to supply a deficiency in any former tax arising from such tax being, in whole or in part, uncollectible.

12. To authorize the trustees to cause the school-houses, and

their furniture, appurtenances and school apparatus to be insured by any insurance company created by or under the laws of this state, or any other insurance company authorized by law to transact business in this state.

13. To alter, repeal and modify their proceedings, from time to time, as occasion may require.

14. To vote a tax for the purchase of a book for the purpose of recording their proceedings.

15. To vote a tax to replace moneys of the district, lost or embezzled by district officers; and to pay the reasonable expenses incurred by district officers in defending suits or appeals brought against them for their official acts, or in prosecuting suits or appeals by direction of the district against other parties.

16. To vote a tax to pay whatever deficiency there may be in teachers' wages after the public money apportioned to the district shall have been applied thereto.

17. To vote a tax to pay and satisfy of record any judgments of a competent court which may have been or shall hereafter be obtained in an action against the trustees of the district for unpaid teachers' wages, where the time to appeal from said judgments shall have lapsed, or there shall be no intent to appeal on the part of such district, or the said judgments are or shall be of the court of last resort.

18. Whenever any district shall have contracted with the school authorities of any city, or other school district for the education therein of the pupils residing in such school district, or whenever in any school district children of school age shall reside so remote from the school-house therein that they are practically deprived of school advantages during any portion of the school year, the inhabitants thereof entitled to vote are authorized to provide, by tax or otherwise, for the conveyance of any or all pupils residing therein to the schools of such city, or district with which such contract shall have been made, or to the school maintained in said district, and the trustees thereof may contract for such conveyance when so authorized in accordance with such rules and regulations as they may establish, and for the purpose of defraying any expense incurred in carrying out the provisions of this subdivision, they may if necessary use any portion of the public money apportioned to such district as a district quota.

§ 207. Vote on proposition to expend money. In all propositions arising at said district meetings, involving the expenditure of money, or authorizing the levy of taxes, the vote thereon shall be by ballot, or ascertained by taking and recording the ayes and noes of such qualified voters attending and voting at such district meetings.

ARTICLE 8

School District Officers; General Provisions

Section 220. Officers of district.
221. Qualifications of officers.
222. Ineligibility to office.
223. Oath of office.
224. Terms of office.
225. Terms of officers of newly created district.
226. Number of trustees; determination of change.
227. Election of officers.
228. Notice and acceptance of election.
229. Refusal of trustee to serve.
230. Penalty for refusal to serve or perform duty.
231. Resignation of district officers.
232. Vacating office.
233. Filling vacancy in office of trustee.
234. Filling vacancy in office of clerk, collector or treasurer.
235. Notice of appointment to fill vacancy and filing thereof.
236. District records, books, et cetera, are district property.

§ 220. Officers of district. 1. Each school district shall have from one to three trustees as the district determines, a clerk, a collector and if the district so decides a treasurer.

2. A union free school district shall have from three to nine trustees as the district shall determine.

§ 221. Qualifications of officers. Every school district officer must be able to read and write and must be a qualified voter of the district.

§ 222. Ineligibility to office. 1. No school commissioner or supervisor is eligible to the office of trustee or member of a

board of education, and no trustee can hold the office of district clerk, collector, treasurer or librarian.

2. A person removed from a school district office shall be ineligible to appointment or election to any district office for a period of one year from the date of such removal.

3. Not more than one member of a family shall be a member of the same board of education in any school district.

§ 223. Oath of office. No officer of a school district shall be required to take the constitutional oath of office.

§ 224. Terms of office. 1. In a district having three or more trustees the full term of office of trustee shall be three years, but a trustee may be elected for one or two years as provided in this chapter.

2. In a district having a sole trustee the term of office of trustee shall be one year.

3. The term of office of all other district officers shall be one year.

4. One year, within the meaning of this section, is a school year. A school year shall be from August first until July thirty-first following. (*Thus amended by L.* 1910, *ch.* 442, *in effect September* 1, 1910.)

§ 225. Terms of officers of newly created district. The terms of all officers elected at the first meeting of a newly created district shall expire on the first Tuesday of May next thereafter. [*Amended by L.* 1913, *ch.* 129, *in effect March* 25, 1913.]

§ 226. Number of trustees; determination of change. 1. At the first annual meeting next after the erection of a district the electors shall determine, by resolution, whether the district shall have one or three trustees; and if they resolve to have three trustees, shall elect the three for one, two and three years, respectively, and shall designate by their votes for which term each is elected; thereafter in such district, one trustee shall be elected at each annual meeting to fill the office of the outgoing trustee.

2. The electors of any district having three trustees shall have power to decide at any annual meeting by a majority vote of those present and voting, whether the district shall have a sole trustee or three trustees. If they resolve to have a sole trustee, the trustees in office shall continue in office until their terms of office shall expire. No election of a trustee shall be had in the district until the offices of such trustees shall become vacant by the expiration

of their terms of office or otherwise, and thereafter but one trustee shall be elected for said district.

3. The electors of a district having but one trustee may determine at an annual meeting, by a two-thirds vote of the legal voters present thereat, to have three trustees; and upon the adoption of a resolution to that effect, shall proceed to elect three trustees or such number as may be necessary to form a board of three trustees, in the same manner as provided in this section for the election of three trustees at the first annual meeting after the erection of a district; and thereafter in such district, one trustee shall be elected for three years, at each annual meeting, to fill the office of the outgoing trustee.

§ 227. Election of officers. 1. All district officers shall be elected by ballot and the trustees shall provide a suitable ballot box for such purpose.

2. Two inspectors of election shall be appointed in such manner as the meeting shall determine, who shall receive the votes cast, canvass the same and announce the result of the ballot to the chairman.

3. A poll-list containing the name of every person whose vote shall be received shall be kept by the clerk of the meeting.

4. The ballots shall be written or printed, or partly written and partly printed, containing the name of the person voted for and designating the office for which each is voted.

5. The chairman shall declare to the meeting the result of each ballot, as announced to him by the inspectors, and the persons having the majority of votes, respectively, for the several *officers, shall be elected.

§ 228. Notice and acceptance of election. 1. The district clerk shall forthwith notify in writing each person elected to office of his election and the date thereof.

2. Such person shall be deemed to have accepted the office, unless within five days after the service of such notice, he shall file his written refusal with the clerk. The presence of any such person at the meeting which elects him to office, shall be deemed a sufficient notice to him of his election.

§ 229. Refusal of trustee to serve. A trustee who publicly declares that he will not accept or serve in the office of trustee, or refuses or neglects to attend three successive meetings of the board, of which he is duly notified, without rendering a

* So in original.

good and valid excuse therefor to the other trustees vacates his office by refusal to serve.

§ 230. Penalty for refusal to serve or perform duty. 1. Every person chosen or appointed to a school district office and being duly qualified to fill the same who shall refuse to serve therein shall forfeit the sum of five dollars.

2. Every person chosen or appointed to a school district office and not refusing to accept the same who shall wilfully neglect or refuse to perform any duty thereof shall by such neglect or refusal vacate his office and also forfeit the sum of ten dollars.

3. The school commissioner of the commissioner district wherein any such person resides may accept his written resignation of the office, and the filing of such resignation and acceptance in the office of the district clerk shall be a bar to the recovery of either penalty under this section.

4. These penalties shall be for the benefit of the district for which such officer was appointed or elected.

§ 231. Resignation of district officers. A school district officer may resign to a district meeting. Such officer shall also be deemed to have resigned if he files a written resignation with the school commissioner of his district and such commissioner endorses thereon his approval and files the same with the district clerk.

§ 232. Vacating office. 1. A school district office becomes vacant by the death, resignation, refusal to serve, incapacity, removal from the district or from office.

2. The collector or treasurer vacates his office by not executing a bond to the trustees, as herein required.

3. A trustee or a member of a board of education vacates his office by the acceptance of either the office of school commissioner or supervisor.

§ 233. Filling vacancy in office of trustee. 1. A vacancy in the office of trustee in any district may be filled by election within thirty days after it occurs. If not so filled the school commissioner of the commissioner district, within which the school-house or principal school-house of the district is situated, may appoint a competent person to fill it.

2. If a vacancy in the office of trustee in a union free school district exists the commissioner of education may order a special election for filling such vacancy. When such special election is ordered the vacancy shall not be filled otherwise.

3. If such vacancy is supplied by a district meeting, it shall be for the balance of the unexpired term; but when such vacancy is supplied by appointment by a school commissioner it shall be only until the next annual meeting of the district.

§ 234. Filling vacancy in office of clerk, collector or treasurer. A vacancy in the office of clerk, collector or treasurer, may be filled by appointment by the trustees of the district, and the appointees shall hold their respective offices until the next annual meeting of the district, and until their successors are elected and have qualified.

§ 235. Notice of appointment to fill vacancy and filing thereof. Every appointment to fill a vacancy shall be forthwith filed, by the school commissioner or trustees making it, in the office of the district clerk, who shall immediately give notice of the appointment to the person appointed.

§ 236. District records, books, etc., are district property. The records, books and papers belonging or appertaining to the office of any officer of a school district are hereby declared to be the property of such district and shall be open for inspection by any qualified voter of the district at all reasonable hours, and any such voter may make copies thereof.

ARTICLE 9
District Clerk; Treasurer; Collector

Section 250. Duties of district clerk.
251. Duties of district treasurer.
252. Collector's bond.
253. Collector to disburse teachers' fund.
254. Clerk, treasurer and collector in union free school district.
255. Payments and reports by collector.
256. Liability of collector for moneys lost.
257. Remedy of trustees against collector in default.

§ 250. Duties of district clerk. It shall be the duty of the clerk of each school district:

1. To record the proceedings of all meetings of the voters of his district in a book to be provided for that purpose by the district, and to enter therein true copies of all reports made by the trustees to the school commissioner.

2. To give notice, in the manner prescribed by section one hundred ninety-one, of the time and place of holding special district meetings called by the trustees.

3. To affix a notice in writing of the time and place of any adjourned meeting, when the meeting shall have been adjourned for a longer time than one month, in at least five of the most public places of such district, at least five days before the time appointed for such adjourned meeting.

4. To give the required notice of every annual district meeting.

5. To give notice immediately to every person elected or appointed to office of his election or appointment; and also to report to the town clerk of the town in which the school-house of his district is situated, the names and post-office addresses of such officers, under a penalty of five dollars for neglect in each instance.

6. To notify the trustees of every resignation duly accepted by the school commissioner.

7. To keep and preserve all records, books and papers belonging to his office and to deliver the same to his successor. For a refusal or neglect so to do, he shall forfeit fifty dollars for the benefit of the schools of the district, to be recovered by the trustees.

8. To obey the order of the school commissioners as to depositing the books, papers and records of his office in the town clerk's office in case the district shall be dissolved.

9. To attend all meetings of the board of trustees when notified, and keep a record of their proceedings in a book provided for that purpose.

10. To call special meetings of the inhabitants whenever all the trustees of the district shall have vacated their office.

11. To immediately notify the county treasurer of the name and address of persons elected to the office of district treasurer, if a treasurer is elected, and of the district collector. [*Subdivision added by L.* 1916, *ch.* 314, *in effect April* 25, 1916.]

§ 251. Duties of district treasurer. 1. The treasurer of a school district shall be the custodian of all moneys belonging to the district from whatever source derived, and it is hereby made the duty of the trustees of such district to pay to such treasurer any and all moneys that may come into their hands belonging to such district derived from sales of personal or real property of the district, from insurance policies, from bonds of the district issued and sold by them, or from any other source whatever.

2. The collector of such district shall pay over to such treasurer all moneys collected by him under and by virtue of any tax list and warrant issued and delivered to him.

3. Such treasurer is hereby authorized and empowered to demand and receive from the supervisor of the town in which such school district is situated all public money apportioned to said district.

4. It shall be the duty of such treasurer within ten days after notice of his election to execute and deliver to the trustees of such district, his bond in such sum as shall have been fixed by a district meeting or as such trustees shall require, with at least two sureties to be approved by such trustees, conditioned to faithfully discharge the duties of his office, and to well and truly account for all moneys received by him, and to pay over any sums of money remaining in his hands to his successor in office. Such bond when so executed and approved in writing by such trustees shall be filed with the district clerk.

5. No moneys shall be paid out or disbursed by such treasurer except upon the written orders of a sole trustee, or a majority of the trustees.

6. Such treasurer shall, whenever required by such trustees report to them a detailed statement of the moneys received by him, and his *disbursments, and at the annual meeting of such district he shall render a full account of all moneys received by him and from what source, and when received, and all disbursements made by him and to whom and the dates of such disbursements respectively, and the balance of moneys remaining in his hands.

§ 252. Collector's bond. 1. Within such time, not less than ten days, as the trustees shall allow him for the purpose, the collector, before receiving the first warrant for the collection of money, shall execute a bond to the trustees, with one or more sureties, to be approved by a majority of the trustees, in such amount as the district meeting shall have fixed, or if such meeting shall not have fixed the amount then in such amount as the trustees shall deem reasonable, conditioned for the due and faithful execution of the duties of his office.

2. The trustees, upon receiving said bond, shall, if they approve thereof, indorse their approval thereon, and forthwith deliver the same to the town clerk of the town in which said collector resides, and said clerk shall file the same in his office, and enter in a book to be kept by him for that purpose, a memorandum, showing the date of said bond, the names of the parties and sureties thereto,

* So in original.

the amount of the penalty thereof, and the date and time of filing the same, and said town clerk is authorized to receive as a fee for such filing and memorandum the sum of twenty-five cents, which sum is hereby made a charge against the school district interested in said bond.

§ 253. Collector to disburse teachers' fund. 1. The trustees of a school district which has not a treasurer may direct by resolution duly entered on the minutes of their proceedings the collector of such district to disburse to teachers the money apportioned by the state for teachers' salaries.

2. The collector shall thereupon execute a bond to the trustees, with two or more sureties, in double the amount of the last apportionment, with like condition of sureties, approval of trustees, and amount and like directions as to filing as are required in the preceding section for a bond for the collection of taxes, and conditioned also for the due and faithful execution of the duties of his office as such disbursing agent.

§ 254. Clerk, treasurer and collector in union free school district. 1. In every union free school district the board of education shall have power to appoint one of their number, or some other qualified voter in said district who is not a teacher employed therein as clerk of the board of education of such district.

2. Such clerk shall also act as clerk of said district, and shall perform all the clerical and other duties pertaining to his office, and for his services he shall be entitled to receive such compensation as shall be fixed at an annual meeting of such district.

3. In case no provision is made at an annual meeting for the compensation of a clerk the board of education may fix the same.

4. Said board of education in every union free school district whose limits do not correspond with those of an incorporated village or city shall appoint a district treasurer, and a collector who shall hold office during the pleasure of the board. The board shall also fix the compensation of the treasurer.

5. Such treasurer and collector shall each, and within ten days after notice in writing of his appointment, duly served upon him, and before entering upon the duties of his office, execute and deliver to the said board of education a bond, with such sufficient penalty and sureties as the board may require, conditioned for the faithful discharge of the duties of his office; and in case such

bond shall not be given within the time specified, such office shall thereby become vacant, and said board shall thereupon, by appointment, fill such vacancy.

6. So much of this section as relates to the election of a clerk shall not apply to the towns of Cortlandt and White Plains in Westchester county.

§ 255. Payments and reports by collector. 1. The collector shall keep in his possession all moneys received or collected by him by virtue of any warrant, or received by him from the county treasurer or board of supervisors for taxes returned as unpaid, or moneys apportioned by the state or raised by direct taxation for teachers' wages or library, and pay the same out upon the written order of a majority of the trustees.

2. When a treasurer shall have been elected in a district, the collector shall pay over the moneys collected by him by virtue of his warrant, to said treasurer as provided in section two hundred and fifty-one; and he shall report in writing, at the annual meeting, all his collections, receipts and disbursements, and shall report to the supervisor on or before the first Tuesday of March in each year the amounts of school moneys in his hands not paid out on trustees' orders, and shall pay over to his successor in office, when such successor has duly qualified and given a bond as required by section two hundred and fifty-two, all moneys in his hands belonging to the district.

§ 256. Liability of collector for moneys lost. If by the neglect of the collector any moneys shall be lost to a school district, which might have been collected within the time limited in the warrant delivered to him for their collection, he shall forfeit to such district the amount of the moneys thus lost, and shall account for and pay over the same to the trustees of such district, in the same manner as if they had been collected.

§ 257. Remedy of trustees against collector in default. For the recovery of all such forfeitures, and of all balances, in the hands of the collector, which he shall have neglected or refused to pay to his successor, or to the treasurer of such district, the trustees, in their name of office, shall have their remedy upon the official bond of the collector, or any action and any remedy given by law; and they shall apply all such moneys, when recovered, in the same manner as if paid without suit.

ARTICLE 10

Trustees

Section 270. Trustees constitute a board and body corporate.
271. Property held by trustees as corporation.
272. Powers and duties of a sole trustee.
273. Mode of exercise of trustees' powers.
274. Powers of trustees when vacancies on board exist.
275. Powers and duties of trustees.
276. Trustees' annual report.
277. Annual report of trustees of certain joint districts
278. Trustees' annual report to district.
279. Penalty for failure of trustee to account.
280. Payment by trustee to successor.
281. Trustees' right *to action against predecessors.
282. Notice of non-payment of moneys apportioned.
283. Taxation for expenses incurred by trustees.
284. Issuing order in excess of available funds a misdemeanor.
285. Trustees must not be interested in district contracts.

§ 270. Trustees constitute a board and body corporate. The sole trustee or the trustees of a school district shall constitute a board for such district and such board is hereby created a body corporate.

§ 271. Property held by trustees as corporation. All property which is now vested in, or shall hereafter be transferred to the trustees of a district, for the use of schools in the district, shall be held by them as a corporation.

§ 272. Powers and duties of a sole trustee. The sole trustee of a district shall possess all the powers and be subject to all the duties, liabilities and penalties which the law imposes upon a board of three trustees.

§ 273. Mode of exercise of trustees' powers. 1. The powers committed by law to the trustees of a district must be exercised by them as a board. The board must meet for the transaction of business in accordance with notice of time and place.

2. In a board composed of three trustees, when two only meet to deliberate upon any matter, and the third, if notified, does not

* So in original.

attend, or the three meet and deliberate thereon, the conclusion of two upon the matter, and their order, act or proceeding in relation thereto, shall be as valid as though it were the conclusion, order, act or proceeding of the three; and a recital of the two in their minute of the conclusion, act or proceeding, or in their order, act or proceeding of the fact of such notice, or of such meeting and deliberation, shall be conclusive evidence thereof.

3. A meeting of the board may be ordered by any member thereof, by giving not less than twenty-four hours' notice of the same.

§ 274. Powers of trustees when vacancies on board exist. 1. While there is one vacancy in the office of trustee, the two trustees shall have all the powers and be subject to all the duties and liabilities of the three. And while there are two such vacancies, the trustee in office shall have all the powers and be subject to all the duties and liabilities of the three, as though he were a sole trustee.

2. When a vacancy shall occur in the office of trustee, the board shall immediately call a special meeting of the district to supply such vacancy.

§ 275. Powers and duties of trustees. It shall be the duty of the trustees of a school district, and they shall have power:

1. To call special meetings of the inhabitants of such districts whenever they shall deem it necessary and proper.

2. To give notice of special, annual and adjourned meetings in the manner prescribed in this chapter, if there be no clerk of the district, or he be absent or incapable of acting, or shall refuse to act.

3. To make out a tax-list of every district tax voted by a district meeting, or authorized by law, which shall contain the names of all the taxable inhabitants residing in the district at the time of making out the list, and the amount of tax payable by each inhabitant, as directed in article fifteen of this chapter.

4. To purchase or lease such schoolhouse sites and other grounds to be used for playgrounds, or for agriculture, athletic center and social center purposes, and to purchase or build such schoolhouses as a district meeting may authorize; to hire temporarily such rooms or buildings as may be necessary for school purposes; and to purchase such implements, supplies and apparatus as may be necessary to provide instruction in agriculture, or to equip and maintain playgrounds, and to conduct athletic and

social center activities in the district, when authorized by a vote of a district meeting. [*Subdivision amended by L.* 1913, *ch.* 221, *in effect April* 5, 1913.]

5. To have the custody and safe-keeping of the district schoolhouses, their sites and appurtenances.

6. To insure the school buildings, furniture and school apparatus in some company created by or under the laws of this state, or in an insurance company authorized by law to transact business in this state, and to comply with the conditions of the policy, and raise by a district tax the amount required to pay the premiums thereon.

7. To insure the school library in such a company in a sum fixed by a district meeting, and to raise the premium by a district tax, and comply with the conditions of the policy.

8. To contract with and employ as many legally qualified teachers as the schools of the district require; to determine the rate of compensation and the term of the employment of each teacher and to determine the terms of school to be held during each school year, and to employ persons to supervise, organize, conduct and maintain athletic, playground and social center activities when they are authorized by a vote of a district meeting as provided by law. The regular teachers of the school may be employed at an increased compensation or otherwise, and by separate agreement, written or oral, for one or more of such purposes. [*Subdivision amended by L.* 1913, *ch.* 221, *in effect April* 5, 1913.]

9. To establish rules for the government and discipline of the schools.

10. To prescribe the course of studies to be pursued in such schools. Provisions shall be made for instructing pupils in all schools supported by public money, or under state control, in physiology and hygiene, with special reference to the effect of alcoholic drinks, stimulants and narcotics upon the human system.

11. To pay, towards the wages of legally qualified teachers the public moneys apportioned to the district for such purpose by giving them orders therefor on the supervisor, or on the collector or treasurer of such district when duly qualified to receive and disburse the same.

12. To collect by district tax an amount sufficient to pay any judgment or the salaries of teachers for the current school year after deducting from the aggregate amount required for this pur-

pose the amount of public money in the hands of the supervisor, collector or treasurer applicable to the payment of teachers' salaries and to pay the same by written orders on the collector or treasurer.

13. To draw upon the supervisor, the collector or treasurer, when duly qualified to receive and disburse the same, for the school moneys, by written orders signed by the sole trustee, or where there are three trustees, signed by a majority of said trustees as prescribed by subdivisions one and two of section three hundred and sixty of this chapter.

14. To keep each of the school-houses under their charge, and its furniture, school apparatus and appurtenances, in necessary and proper repair, and make the same reasonably comfortable for use, but shall not expend therefor without vote of the district an amount to exceed fifty dollars in any one year.

15. To make any repairs and abate any nuisances, pursuant to the direction of the school commissioner as herein provided, and provide fuel, stoves or other heating apparatus, pails, brooms and other implements necessary to keep the school-houses and the school-rooms clean, and make them reasonably comfortable for use, when no provision has been made therefor by a vote of the district, or the sum voted by the district for said purposes shall have proved insufficient.

16. To provide for building fires and cleaning the school-rooms, and for janitor work generally in and about the school-house, and pay reasonable compensation therefor.

17. To provide bound blank-books for the entering of their accounts, the records of the district and the proceedings of district and trustee meetings, and a list of the movable property of the district and they shall deliver such books to their successors in office.

18. To expend in the purchase of a dictionary, books, reproductions of standard works of art, maps, globes or other school apparatus, including implements, apparatus and supplies for instruction in agriculture, or for conducting athletic playgrounds and social center activities, a sum not exceeding twenty-five dollars in any one year, without a vote of the district. [*Subdivision amended by L.* 1913, *ch.* 221, *and by L.* 1914, *ch.* 216, *in effect April* 7, 1914.]

19. To establish temporary or branch schools in such places in the district as shall best accommodate the children, and to hire rooms or buildings therefor and to fit up and furnish such rooms

or buildings in a suitable manner for conducting school therein when it is shown:

a. That any considerable number of the children residing in a portion of the district are so remote from the school-house as to render it difficult for them to attend school in such school-house in inclement weather, or;

b. That the school building is overcrowded and proper accommodations are not afforded all the children of the district, or;

c. That for any other sufficient reason suitable and proper school facilities are not provided by the present school accommodations.

Any expenditure made or liability incurred in pursuance of this section shall be a charge upon the district.

§ 276. Trustees' annual report. The trustees of each district shall make a full report to the commissioner of education upon any particular matter relating to their schools whenever such report shall be required by said commissioner. The trustees of each school district shall, on the first day of August in each year, make to the school commissioner a report in writing for the year ending on July thirty-first preceding. Such report shall be in such form as the commissioner of education shall prescribe. In every case the trustees shall sign and certify to said report and deliver it to the clerk of the town, in which the school-house of the district is situated; and every such report shall certify:

1. The whole time school has been maintained in their district during the year ending on the day previous to the date of such report, and stating what portion of the time such school has been taught by qualified teachers, and the whole number of days, *in cluding holidays, in which the school was taught by qualified teachers.

2. The amount of their drafts upon the supervisor, collector or treasurer for the payment of teachers' salaries during such year, and the amount of their drafts upon him for the purchase of books and school apparatus during such year, and the manner in which such moneys have been expended.

3. The number of children taught in the district school during such year by qualified teachers, and the aggregate days' attendance of all such children upon the school.

4. The number of children residing in their district, over five and under eighteen years of age, who shall have been, on the

* So in original.

thirtieth day of August last preceding the date of such report, legal residents of such district. Children supported at a county poor-house or an orphan asylum shall not be included in such enumeration.

5. The number of vaccinated and unvaccinated children of school age in their respective districts.

6. The amount of money paid for teachers' salaries, in addition to the public money paid therefor, the amount of taxes levied in said district for purchasing school-house sites, for building, hiring, purchasing, repairing and insuring school-houses, for fuel, for school libraries, or for any other purpose allowed by law.

7. Such additional information in relation to the schools under their management and control as the commissioner of education shall require.

§ 277. Annual report of trustees of certain joint districts. Where a school district lies in two or more counties, its trustees shall file their annual report in the office of the clerk of the town in which the principal schoolhouse of the district is situated.

§ 278. Trustees' annual report to district. The trustees shall render to the district, at its annual meeting, a just, full and true account in writing, of all moneys received by them respectively for the use of the district, or raised or collected by taxes, the preceding year, and of the manner in which the same shall have been expended, and showing to which of them an unexpended balance, or any part thereof, is chargeable; and of all drafts or orders made by them upon the supervisor, collector, treasurer or other custodian of moneys of the district; and a full statement of all appeals, actions or suits and proceedings brought by or against them, and of every special matter touching the condition of the district.

§ 279. Penalty for failure of trustee to account. By a wilful neglect or refusal to render such account, a trustee forfeits any unexpired term of his office, and becomes liable to the trustees for any district moneys in his hands.

§ 280. Payment by trustee to successor. An outgoing trustee shall forthwith pay, to his successor or any other trustees of the district in office, all moneys in his hands belonging to the district.

§ 281. Trustees' right of action against predecessor. The trustees in office shall sue for and recover any dis-

trict moneys in the hands of any former trustee, or of his personal representatives, and apply them to the use of the district.

§ 282. Notice of non-payment of moneys apportioned. If any portion of the moneys apportioned to the district shall not be paid by the supervisor, the collector or treasurer, upon the due requirement of the trustees, they shall forthwith notify the treasurer of the county and the commissioner of education of the fact.

§ 283. Taxation for expenses incurred by trustees. When trustees are required or authorized by law, or by a vote of their district, to incur any expenses for such district, and when any expenses incurred by them are made, by express provision of law, a charge upon such district, they may raise the amount thereof by tax in the same manner as if the definite sum to be raised had been voted by a district meeting.

§ 284. Issuing order in excess of available funds a misdemeanor. 1. The trustees of a school district shall not issue an order or draft upon a supervisor, collector or treasurer for the payment of the salary of a teacher unless there shall be in the hands of such supervisor, collector or treasurer at the time sufficient money belonging to the district to meet such order or draft.

2. A violation of this section by the trustees of a district shall be a misdemeanor.

§ 285. Trustees must not be interested in district contracts. No trustee shall be personally interested directly or indirectly in any contract which he makes in behalf of the district.

ARTICLE 11

Boards of Education

Section 300. Boards of education corporate bodies.
301. Board of education in district whose boundaries are not coterminous with those of an incorporated village or city.
302. Board of education in district whose boundaries are coterminous with those of an incorporated village or city.
303. Provisions for separate elections in certain districts.
304. Determination of election disputes.

Section 305. Election and organization of board of education in new district where union free school district containing two incorporated villages is divided.
306. Annual meetings of boards of education.
307. Change in number of members of board of education in union free school district whose *boundaires are coterminous with those of an incorporated village or city.
308. Change in number of members of board of education in union free school district whose boundaries are not coterminous with those of an in corporated village or city.
309. Power of removal of member of board of education.
310. Powers and duties of boards of education.
311. Night schools; kindergartens.
312. Appointment of superintendent of schools.
313. Regular meetings; visitation of schools.
314. Limitation upon expenditures.
315. Deposit, custody and payment of moneys in cities and villages.
316. Moneys and accounts in union free school districts whose boundaries are not the same as the boundaries of incorporated cities and villages.
317. Boards of education have powers of trustees of common schools and trustees of academies.
318. Academy may be adopted as academic department.
319. Contracts with academies.
320. Retransfer of academy to its former trustees.
321. Records; reports.
322. Reports to commissioner of education.
323. Estimated expenses for ensuing year.
324. Vote upon school taxes.
325. Levy of tax for certain purposes without vote.
326. Reference to commissioner of education.
327. Corporate authorities must raise tax certified by board of education.
328. Application of this article.

§ 300. Boards of education corporate bodies. The board of education of each union free school district or city is hereby created a body corporate and it shall, at its first meeting

* So in original.

and at each annual meeting thereafter, elect one of its members president.

§ 301. Board of education in district whose boundaries are not coterminous with those of an incorporated village or city. 1. Whenever a union free school district shall be established pursuant to the provisions of sections one hundred and forty-one to one hundred and forty-five of this chapter and the boundaries of such district shall not be coterminous with the boundaries of an incorporated city or village, it shall be the duty of the meeting at which such union free school district is established to elect by ballot not less than three nor more than nine trustees, who shall, by the order of such meeting, be divided into three classes, the first to hold until one, the second until two, and the third until three years from the first Tuesday of August next following, except as in the next section provided. Thereafter there shall be elected in such districts, at the annual meeting, trustees to supply the places of those whose terms of office, by the classification aforesaid, expire.

2. The trustees thus elected, shall enter at once upon their offices, and the office of any existing trustees in such districts, before the establishment of a union free school therein, shall cease, except for the purposes stated in section one hundred and thirty-five of this chapter. The said trustees and their successors in office shall constitute the board of education of the union free school district thus established. (*Subdivision two thus amended by L.* 1910, *ch.* 442, *in effect September* 1, 1910.)

§ 302. Board of education in district whose boundaries are coterminous with those of an incorporated village or city. Whenever said board of education shall be constituted for any district whose limits correspond with those of any incorporated village or city, the trustees so elected shall, by the order of such meeting, be divided into three classes: The first class to serve until one; the second, until two; and the third, until three years after the date of the next charter election in such village or city, and their regular term of service shall be computed from the several dates of such charter elections. Thereafter, there shall be annually elected in such villages and cities, at the charter elections, by separate ballot, to be indorsed "school trustee," in the same manner as the charter officers thereof, trustees of the said union free schools, to supply the places of those whose terms by the classification aforesaid expire.

§ 303. Provisions for separate elections in certain districts. 1. In union free school districts whose limits do not correspond with those of an incorporated village or city, and in which the number of children of school age exceeds three hundred, as shown by the last annual report of the board of education to the school commissioner, the qualified voters of any such district may by a vote of a majority of those present and voting, at any annual meeting, or at any duly called special meeting, to be ascertained by taking and recording the ayes and noes, determine that the election of the members of the board of education shall be held on the Wednesday next following the day designated by law for holding the annual meeting of said district.

2. Until such determination shall be changed, such election shall be held on the Wednesday next following the day on which such annual meeting of such district shall be held between the hours of twelve o'clock noon and four o'clock in the afternoon at the principal school-house in the district, or at such other suitable place as the trustees may designate.

3. When the place of holding such election is other than at the principal school-house, the trustees shall give notice thereof by the publication of such notice, at least one week before the time of holding such election, in some newspaper published in the district, or by posting the same in three conspicuous places in the district. The trustees may, by resolution, extend the time of holding the election from four o'clock until sunset.

4. Such members of the board of education as may be present, shall act as inspectors of election. If a majority of such board shall not be present at the time of opening the polls, those members of the board in attendance may appoint any of the legal voters of the district present, to act as inspectors in place of the absent trustees; and if none of the board of education shall be present at the time of opening the polls, the legal voters present may choose three of their number to act as inspectors.

5. The clerk of the board of education shall attend at the election and record in a book, to be provided for that purpose, the name of each elector as he deposits his ballot. If the clerk of the board of education shall be absent, or shall be unable or refuse to act, the board of education or inspectors of election shall appoint some person who is a legal voter in the district to act in his place. Any clerk or acting clerk who shall neglect or refuse to record the name of a person whose ballot is received by the inspectors, shall

be liable to a fine of twenty-five dollars, to be sued for by the supervisor of the town.

6. The board of education shall, at the expense of the district, provide a suitable box in which the ballots shall be deposited as they are received. Such ballots shall contain the names of the persons voted for, and shall designate the office for which each of said names is voted. The ballots may be either written or printed, or partly written and partly printed. The inspectors immediately after the close of the polls shall proceed to canvass the votes. They shall first count the ballots to determine if they tally with the number of names recorded by the clerk, and if they exceed that number, enough ballots shall be withdrawn to make them correspond. Such inspectors shall count the votes and announce the result. The persons having a *plurality** of the votes respectively for the several offices shall be elected, and the clerk shall record the result of such ballot and election as announced by the inspectors. (*Thus amended by L.* 1910, *ch.* 442, *in effect September* 1, 1910.)

7. Whenever the time for holding such election, as aforesaid, shall pass without such election being held in any such district, a special election shall be called by the board of education, but if no such election be called by said board within twenty days after such time shall have passed, the school commissioner or the commissioner of education may order any inhabitant of said district to give notice of such election in the manner prescribed by section one hundred and ninety-three; and the officers elected at such special election shall hold their respective offices only until the next annual election, and until their successors are elected and shall have qualified, as in this chapter provided.

8. The foregoing provisions shall not apply to union free school districts in cities, nor to union free school districts whose boundaries correspond with those of an incorporated village, nor to any school district organized under a special act of the legislature, in which the time, manner and form of the election of district officers shall be different from that prescribed for the election of officers in union free school districts, organized under the general law, nor to any of the union free school districts in the counties of Suffolk, Chenango, Warren, Erie and Saint Lawrence.

§ 304. Determination of election disputes. All disputes concerning the validity of any district election or of any of

* The former law provided for a majority vote to elect. The amendment does not affect union free school districts which do not hold elections of school officers on the Wednesday following the annual meeting.

the acts of the officers of such election shall be referred to the commissioner of education for determination and his decision in the matter shall be final and not subject to review. The commissioner may in his discretion order a new election.

§ 305. Election and organization of board of education in new district where union free school district containing two incorporated villages is divided. 1. Within ten days after the school commissioner shall have designated any separate school district organized under the provisions of sections one hundred and thirty and one hundred and thirty-one of this chapter, he shall call a special meeting of the qualified voters of such school district at a time and place to be named by him to elect a board of education to consist of six members, two of whom shall be elected for one year, two for two years and two for three years from the date of the annual school meeting next succeeding such special meeting. The call for such special meeting shall be published in the manner provided in section one hundred and thirty for calling a special meeting to determine as to whether the school district shall be divided.

2. The school commissioner shall call such special meeting to order and the voters present shall elect a chairman and secretary for such meeting and appoint three tellers to canvass the votes cast. After the votes shall have been canvassed the chairman and secretary shall forthwith certify the result of such canvass to the said school commissioner, who shall within five days thereafter convene the members of the board of education, shown by said certificate to have been elected, for the purpose of organization, and said certificate of the result of such canvass shall thereupon become a part of the record of said school district.

§ 306. Annual meetings of boards of education. 1. The annual meeting of the board of education of every union free school district whose limits do not correspond with those of an incorporated village or city shall be held on the first Tuesday in August of each year, except in districts in which the annual meeting is held on the first Tuesday in August, in which case the annual meeting of the board of education of such district shall be held on the second Tuesday in August.

2. The annual meeting of the board of education of every union free school district whose limits correspond with those of an incorporated village or city shall be held on the Tuesday next after the election of the members of such board at the annual

charter election of the village or city. [*Amended by L.* 1911, *ch.* 830 *and L.* 1915, *ch.* 232, *in effect April* 7, 1915.]

§ 307. Change in number of members of board of education in union free school district whose boundaries are coterminous with those of an incorporated village or city. The number of members of the board of education of a union free school district whose limits correspond with those of an incorporated village or city, may be increased to not more than nine or decreased to not less than three in the following manner:

1. The board of education of such union free school district, shall, upon the application of at least fifteen resident taxpayers of such district, submit to a special meeting, held at least thirty days prior to the annual charter election, in such village or city, a proposition for the increase or decrease of the number of members of the board of education to a number specified in the proposition.

2. Such special meeting shall be called and held in the manner prescribed by subdivision two of section one hundred and ninety-three of this chapter.

3. If such proposition is adopted and it is determined thereby to increase the number of members of the board of education of such district, there shall be elected at the next ensuing annual village or city election, a sufficient number of members of the board of education so that the total number of members of the board will be the number specified in such proposition. Such additional members shall be elected for such terms so that as nearly as possible the terms of one-third of the members of such board will expire annually. Successors to such additional members shall be elected in like manner.

4. If such proposition is adopted and it is determined thereby to decrease the number of the board of education in such district, no members of the board of education of such district shall thereafter be elected until by expiration of term the number of members of the board of education will be less than the number specified in such proposition; and thereafter the number of members of the board of education of such district shall be the number specified in such proposition. Not more than one proposition under this section shall be submitted in any calendar year.

§ 308. Change in number of members of board of education in union free school district whose boundaries are not coterminous with those of an incorpo-

rated village or city. 1. The number of members of the board of education of a union free school district whose limits do not correspond with those of an incorporated village or city may be increased or decreased at an annual meeting by a majority vote of the qualified voters present and voting to be ascertained by taking and recording the ayes and noes. The number of such board shall not be increased to more than nine nor decreased to less than three.

2. No vote shall be taken upon the proposition to increase or decrease the number of members of such board of education unless the notice of the annual meeting shall contain a statement to the effect that the voters of such district will vote upon such proposition. The board of education of any such district shall, upon the application of at least fifteen voters of such district, include in the notice of the annual meeting a statement that the proposition to increase or decrease such board will be presented to the annual meeting for determination. If the board refuses or fails to give such notice the notice may be given in such manner as the commissioner of education may direct.

3. If any such board shall consist of less than nine members and such meeting shall determine to increase the number, such meeting shall elect the additional number so determined upon and shall divide such number into three classes, the first to hold office one year, the second two years and the third three years.

4. If such meeting shall determine to diminish the number of members composing such board, no election shall be held in such district to fill the vacancies of the outgoing members until the number of such members shall correspond to the number which such meeting shall determine to compose such board.

§ 309. Power of removal of member of board of education. For cause shown, and after giving notice of the charge and opportunity of defense, the commissioner of education may remove any member of a board of education. Wilful disobedience of any lawful requirement of the commissioner of education, or a want of due diligence in obeying such requirement or wilful violation or neglect of duty is cause for removal.

§ 310. Powers and duties of boards of education. The said board of education of every union free school district shall have power, and it shall be their duty:

1. To adopt such by-laws and rules for its government as shall seem proper in the discharge of the duties required under the provisions of this chapter.

2. To establish such rules and regulations concerning the order and discipline of the schools, in the several departments thereof, as they may deem necessary to secure the best educational results.

3. To prescribe the course of study by which the pupils of the schools shall be graded and classified, and to regulate the admission of pupils and their transfer from one class or department to another, as their scholarship shall warrant.

4. To prescribe the text-books to be used in the schools, and to compel a uniformity in the use of the same, pursuant to the provisions of this chapter, and to furnish the same to pupils out of any moneys provided for that purpose.

5. To make provision for the instruction of pupils in physiology and hygiene with special reference to the effect of alcoholic drinks, stimulants and narcotics upon the human system.

6. To purchase sites, or additions thereto, for recreation grounds for agricultural purposes, and for schoolhouses for the district, when designated by a meeting of the district; and to construct such schoolhouses and additions thereto as may be so designated; to purchase furniture and apparatus for such schoolhouses, and to keep the furniture and apparatus therein in repair; and, when authorized by such meeting, to purchase implements, supplies, and apparatus for agricultural, athletic, playground, and social center purposes. [*Subdivision amended by L.* 1913, *ch.* 221, *in effect April* 5, 1913.]

7. To hire rooms in which to maintain and conduct schools when the rooms in the school-houses are overcrowded, or when such school-houses are destroyed, injured or damaged by the elements, and to fit up and furnish such rooms in a suitable manner for conducting schools therein.

8. To insure the school-houses and their furniture, apparatus and appurtenances, and the school library, in some company created by or under the laws of this state, or in some insurance company authorized by law to transact business in this state, and to comply with the conditions of the policy, and raise the sums paid for premiums by district tax.

9. To take charge and possession of the school-houses, sites, lots, furniture, books, apparatus, and all school property within their respective districts; and the title of the same shall be vested respectively in said board of education.

10. To sell, when authorized by a vote of the qualified voters of the school district, any former school site or lot, or any real

estate the title to which is vested in the board, and the buildings thereon, and appurtenances or any part thereof, at such price and upon such terms as said voters shall prescribe, and to convey the same by deed to be executed by the board or a majority of the members thereof. Also to exchange real estate belonging to the district for the purpose of improving or changing school-house sites.

11. To take and hold for the use of the said schools or of any department of the same, any real estate transferred to it by gift, grant, bequest or devise, or any gift, legacy or annuity, of whatever kind, given or bequeathed to the said board, and apply the same, or the interest or proceeds thereof, according to the instructions of the donor or testator.

12. To have in all respects the superintendence, management and control of said union free schools, and to establish therein, in conformity with the regents rules, an academic department, whenever in their judgment the same is warranted by the demand for such instruction; to receive into said union free schools any pupils residing out of said district, and to regulate and establish the tuition fees of such nonresident pupils in the several departments of said schools.

13. To provide fuel, furniture, apparatus and other necessaries for the use of said schools.

14. To appoint such librarians as they may from time to time deem necessary.

15. To contract with and employ such persons as by the provisions of this chapter are qualified teachers, to determine the number of teachers to be employed in the several departments of instruction in said school, and at the time of such employment, to make and deliver to each teacher a written contract as required by section five hundred and sixty-one of this chapter; and employ such persons as may be necessary to supervise, organize, conduct and maintain athletic, playground and social center activities, or for any one or more of such purposes. The regular teachers of the school may be employed at an increased compensation or otherwise, and by separate agreement, written or oral, for one or more of such purposes. [*Subdivision amended by L.* 1913, *ch.* 221, *in effect April* 5, 1913.]

16. To fill any vacancy which may occur in said board by reason of the death, resignation, removal from office or from the school district, or refusal to serve, of any member or officer of said

board; and the person so appointed in the place of any such member of the board shall hold his office until the next annual election of trustees.

17. To remove any member of their board for official misconduct. But a written copy of all charges made of such misconduct shall be served upon him at least ten days before the time appointed for a hearing of the same; and he shall be allowed a full and fair opportunity to refute such charges before removal.

18. To provide and maintain suitable and convenient water-closets as provided in section four hundred and fifty-seven of this chapter.

19. To borrow money in anticipation of taxes remaining uncollected which have been levied by such district for the current fiscal year, and not in excess thereof, whenever in the discretion of the board of education it shall be necessary to do so for the purpose of paying the current expenses of the district for such current fiscal year, by issuing certificates of indebtedness, in the name of the board of education, signed by the president and clerk thereof, which certificates must be payable within such current fiscal year or within nine months thereafter, and shall bear interest at a rate not exceeding six per centum per annum.

20. To raise by tax upon the property of the district any moneys required to pay the salary of teachers employed after applying thereto the school moneys apportioned to the district by the state.

21. To provide for the medical inspection of all children in attendance upon schools under their supervision whenever in their judgment such inspection shall be necessary and to pay any expense incurred therefor out of funds authorized by the voters of the district or city or which may properly be set aside for such purpose by the common council or the board of estimate and apportionment of a city. Provided, however, that no such funds shall be appropriated or authorized by the voters of a union free school district situate wholly within a city of the third class, unless the board of education shall incorporate in the notice of the annual meeting or election a statement to the effect that at such meeting or election a proposition to appropriate such funds will be voted upon, specifying the amount. [*Subd. added by L.* 1910, *ch.* 602 *and amended by L.* 1912, *ch.* 215.]

§ 311. Night schools; kindergartens. The board of education of each school district and of each city may maintain:

1. Night schools and determine the courses of instruction to be given therein. Such schools shall be free to all persons residing in the district or city.

2. Kindergartens which shall be free to resident children between the ages of four and six years.

§ 312. Appointment of superintendent of schools. 1. In any union free school district having a population of five thousand or more, which fact shall be determined by the commissioner of education, as provided in section four hundred and ninety-two of this chapter, the board of education may appoint a superintendent of schools.

2. Such superintendent shall be under the direction of the board of education, which shall prescribe his powers and duties. He shall be paid a salary from the teachers' fund, to be fixed by the board of education, and he may be removed from office by a vote of the majority of all the members of such board. Whenever such superintendent shall be appointed, the said union free school district shall be entitled to the benefits of the provisions of section four hundred *tnd ninety-two of this chapter.

§ 313. Regular meetings; visitation of schools. 1. It shall be the duty of each board of education elected pursuant to the provisions of this article to have a regular meeting at least once in each quarter.

2. Each board shall appoint one or more committees, to visit every school or department under its supervision and such committee shall visit such schools at least twice in each quarter, and report at the next regular meeting of the board on the condition thereof.

3. The meetings of all such boards shall be open to the public, but said boards may hold executive sessions, at which sessions only the members of such boards or the persons invited shall be present.

§ 314. Limitation upon expenditures. No board of education shall incur a district liability in excess of the amount appropriated by a district meeting unless such board is specially authorized by law to incur such liability.

§ 315. Deposit, custody and payment of moneys in cities and villages. 1. All moneys raised for the support of schools in any city or in any union free school district whose boundaries are coterminous with the boundaries of an incorpo-

* So in original.

rated village or apportioned to the same by the education department or otherwise, shall be paid into the treasury of such city or village to the credit of the board of education therein; and the funds so received into such treasury shall be kept separate and distinct from any other funds received into the said treasury. And the officer having the charge thereof shall give such additional security for the safe custody thereof as the corporate authorities of such city or village shall require.

2. No money shall be drawn from such funds, credited to the several boards of education, unless in pursuance of a resolution of said board, and on drafts drawn by the president and countersigned by the secretary or clerk, payable to the order of the persons entitled to receive such money, and stating on their face the purpose or service for which such moneys have been authorized to be paid by the said board of education.

§ 316. Moneys and accounts in union free school districts whose boundaries are not the same as the boundaries of incorporated cities and villages. 1. All moneys raised in a union free school district whose limits do not correspond with those of a city or an incorporated village, or apportioned thereto by the education department or otherwise, shall be paid to the treasurer of the district entitled to receive the same, and be applied to the uses of the district and the board shall annually render their accounts of all moneys received and expended by them for the use of said schools.

2. No money shall be drawn from such funds in possession of such treasurer, unless in pursuance of a resolution of said board, and on drafts drawn by the president and countersigned by the clerk payable to the order of the persons entitled to *reecive such money, and stating on their face the purpose or service for which said moneys have been authorized to be paid by the said board of education.

§ 317. Boards of education have powers of trustees of common schools and trustees of academies. The board of education shall possess all the powers and privileges, and be subject to all the duties in respect to the common schools, or the common school departments in any union free school in said districts, which the trustees of common schools possess or are subject to under this chapter, not specially provided for in this article, and not inconsistent with the provisions of this article; and to enjoy, whenever an academic department shall be

*So in original.

by them established, all the immunities and privileges now enjoyed by the trustees of academies in this state.

§ 318. Academy may be adopted as academic department. Whenever a union free school shall be established under the provisions of article five, and there shall exist within its district an academy, the board of education, when authorized by a vote of the voters of the district, may adopt such academy as the academic department of the district, with the consent of the trustees of the academy, and thereupon the trustees by a resolution to be attested by the signatures of the officers of the board and filed in the office of the clerk of the county, shall declare their offices vacant, and thereafter the said academy shall be the academic department of such union free school. The board of education when thereto authorized by a vote of the qualified voters of the district may lease said academy and site, and maintain the academic department of such union free school therein and thereon.

§ 319. Contracts with academies. The board of education of a union free school district, with the approval of the commissioner of education, may adopt an academy as the academic department thereof, and contract for the instruction therein of pupils of academic grade, residing in the district. The academy thereupon becomes the academic department of such union free school, and the district is entitled to the same rights and privileges, is subject to the same duties, and the apportionment and distribution of state school money shall be made to it, as if an academic department had been established in such school.

§ 320. Retransfer of academy to its former trustees. If there shall be, in a dissolved union free school district, an academy which shall have been adopted as the academic department of the union free school, under the provisions of title nine, chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, and any amendment thereof, or title eight of chapter five hundred and fifty-six of the laws of eighteen hundred and ninety-four, and any amendment thereof, or under this chapter, it shall, upon the application of a majority of the surviving resident former trustees or stockholders, be transferred by the board of education to said former trustees or stockholders.

§ 321. Records; reports. It shall be the duty of said board to keep an accurate record of all its proceedings in books provided for that purpose. It shall be the duty of said board

to cause to be published once in each year, and twenty days next before the annual meeting of the district, in at least one public newspaper, printed in such district, a full and detailed account of all moneys received by the board or the treasurer of said district, for its account and use, and of all the moneys expended therefor, giving the items of expenditure in full; should there be no paper published in said district said board shall publish such account by notice to the taxpayers, by posting copies thereof in five public places in said district. [*Thus amended by L.* 1910, *ch.* 442, *in effect September* 1, 1910.]

§ 322. Reports to commissioner of education. 1. The board of education of each district and of each city shall make such detailed report and in such form upon any matter relating to the schools under their management and control as the commissioner of education shall from time to time require.

2. Such board of education shall also make an annual report giving the information relating to their schools required of trustees under section two hundred and seventy-six of this chapter. Such report shall also contain such information as the commissioner of education shall require and shall be in the form prescribed by him. Such report shall be made on the first day of August of each year and, in the case of a board of education of a union free school district, shall be delivered to the town clerk of the town in which the school-house of such district is located.

§ 323. Estimated expenses for ensuing year. It shall be the duty of the board of education of each district to present at the annual meeting a detailed statement in writing of the amount of money which will be required for the ensuing year for school purposes, exclusive of the public moneys, specifying the several purposes and the amount for each. This section shall not be construed to prevent the board from presenting such statement at a special meeting called for the purpose, nor from presenting a supplementary and amended statement or estimate at any time.

§ 324. Vote upon school taxes. After the presentation of such statement or estimate, the question shall be taken upon voting the necessary taxes to meet the estimated expenditures, and when demanded by any voter present, the question shall be taken upon each item separately, and the inhabitants may increase the amount of any estimated expenditures or reduce the same, except for teachers' wages, and the ordinary contingent expenses of the schools.

§ 325. Levy of tax for certain purposes without vote. If the inhabitants shall neglect or refuse to vote the sum estimated necessary for teachers' wages, after applying thereto the public school moneys, and other moneys received or to be received for that purpose, or if they shall neglect or refuse to vote the sum estimated necessary for ordinary contingent expenses, the board of education may levy a tax for the same, in like manner as if the same had been voted by the inhabitants.

§ 326. Reference to commissioner of education. If any question shall arise as to what are ordinary contingent expenses the same may be referred to the commissioner of education, by a statement in writing, signed by one or more of each of the opposing parties upon the question, and the decision of the commissioner shall be conclusive.

§ 327. Corporate authorities must raise tax certified by board of education. 1. The corporate authorities of any incorporated village or city in which any such union free school shall be established, shall have power, and it shall be their duty, to raise, from time to time, by tax, to be levied upon all the real and personal property in said city or village, as by law provided for the defraying of the expenses of its municipal government, such sum as the board of education established therein shall declare necessary for teachers' salaries and the ordinary contingent expenses of supporting the schools of said district.

2. The sums so declared necessary shall be set forth in a detailed statement in writing, addressed to the corporate authorities by the board of education, giving the various purposes of anticipated expenditure, and the amount necessary for each; and the said corporate authorities shall have no power to withhold the sums so declared to be necessary; and such corporate authorities as aforesaid shall have power, and it shall be their duty to raise, from time to time, by tax as aforesaid, any such further sum to be set forth in a detailed statement in writing, addressed to the corporate authorities by the board of education, giving the various purposes of the proposed expenditure, and the amount necessary for each which may have been or which may hereafter be authorized by a majority of the voters of such union free school district present and voting at any special district meeting duly convened for any of the purposes stated in section four hundred and sixty-seven of this chapter.

§ 328. Application of this article. The provisions of this article shall apply to all union free schools heretofore organized pursuant to the provisions of chapter four hundred and thirty-three of the laws of eighteen hundred and fifty-three, and the amendments thereof, chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, and the amendments thereof, and of chapter five hundred and fifty-six of the laws of eighteen hundred and ninety-four and the amendments thereof; and sections three hundred and twenty-seven, four hundred and sixty, four hundred and sixty-seven and four hundred and eighty of this chapter are made applicable to all school districts established by and organized under special statutes, except those of cities; and sections three hundred and ten, subdivision nineteen, three hundred and twelve and four hundred and fifty-eight of this chapter are made applicable to all school districts having a population of five thousand and upwards established by and organized under special statutes.

ARTICLE 12

Town Clerks

Section 340. Duties of town clerks.
341. Expenses of town clerks.

§ 340. Duties of town clerks. It shall be the duty of the town clerk of each town:

1. To keep all books, maps, papers, and records of his office touching common schools, and forthwith to report to the school commissioner any loss or injury to the same.

2. To receive from the supervisors the certificates of apportionment of school moneys to the town, and to record them in a book to be kept for that purpose.

3. To notify forthwith the trustees of the several school districts of the filing of each such certificate.

4. To see that the trustees of the school districts make and deposit with him their annual reports within the time prescribed by law, and to deliver them to the school commissioner on demand.

5. To furnish the school commissioner of the school commissioner district in which his town is situated the names and post-office addresses of the school district officers reported to him by the district clerks.

6. To distribute to the trustees of the school districts all books, blanks and circulars which shall be delivered or forwarded to him by the commissioner of education or school commissioner for that purpose.

7. To receive from the supervisor, and record in a book kept for that purpose, the annual account of the receipts and disbursements of school moneys required to be submitted to the town auditors, together with the action of the town auditors thereon, and to send a copy of the account and of the action thereon, by mail, to the commissioner of education whenever required by him, and to file and preserve the vouchers accompanying the account.

8. To receive and to record, in the same book, the supervisor's final account of the school moneys received and disbursed by him, and deliver a copy thereof to such supervisor's successor in office.

9. To receive from the outgoing supervisor, and file and record in the same book, the county treasurer's certificate, that his successor's bond has been given and approved.

10. To receive, file and record the descriptions of the school districts, and all papers and proceedings delivered to him by the school commissioner pursuant to the provisions of this chapter.

11. To act, when thereto legally required, in the erection or alteration of a school district, as in article five of this chapter provided.

12. To receive and preserve the books, papers and records of any dissolved school district, which shall be ordered, as hereinafter provided, to be deposited in his office.

13. To perform any other duty which may be devolved upon him by this chapter, or by any other act touching common schools.

§ 341. Expenses of town clerks. The necessary expenses and disbursements of the town clerk in the performance of his said duties, are a town charge, and shall be audited and paid as such.

ARTICLE 13
Supervisors

Section 360. Duties of supervisors.
361. Sale of gospel or school lots on division of town.
362. Payment of proceeds of sale of gospel or school lots.
363. Supervisor's bond for school moneys.

Section 364. Refusal of supervisor to give bond.
365. Report by supervisors to district superintendents.

§ 360. Duties of supervisors. It is the duty of every supervisor:

1. To disburse the school moneys in his hands applicable to the payment of teachers' wages, upon and only upon the written orders of a sole trustee or a majority of the trustees, in favor of qualified teachers. But whenever the collector in any school district shall have given bonds for the due and faithful performance of the duties of his office as disbursing agent, as required by section two hundred and fifty-three or whenever any school district shall elect a treasurer as provided in this chapter, the said supervisor shall, upon the receipt by him of a copy of the bond executed by said collector or treasurer as herein required, certified by the trustees, pay over to such collector or treasurer, all moneys in his hands applicable to the payment of teachers' wages in such district, and the said collector or treasurer shall disburse such moneys so received by him upon such orders as are specified herein to the teachers entitled to the same.

2. To pay over all the school money apportioned to a union free school district, to the treasurer of such district, upon the order of its board of education.

3. To keep a just and true account of all the school moneys received and disbursed by him during each year, and to lay the same, with proper vouchers, before the town board or board of town auditors at each annual meeting thereof.

4. To provide a bound blank book, the cost of which shall be a town charge, and to enter therein all his receipts and disbursements of school moneys, specifying from whom and for what purposes they were received, and to whom and for what purposes they were paid out; and to deliver the book to his successor in office.

5. To make out a just and true account of all school moneys received by him and of all disbursements thereof, within fifteen days after the termination of his office and to deliver the same to the town clerk, to be filed and recorded, and to notify his successor in office that such account has been made and filed.

6. To deliver to his predecessor the county treasurer's certificate showing that he has given to such treasurer the bond required by section three hundred and sixty-three of this chapter and that

such bond has been approved by such treasurer, and to procure from the town clerk a copy of his predecessor's account, and to demand and receive from him all school moneys remaining in his hands.

7. To pay to his successor upon receipt of such certificate all school moneys remaining in his hands, and to forthwith file the certificate in the town clerk's office.

8. To sue for and recover, in his name of office, when the duty is not elsewhere imposed by law, all penalties and forfeitures imposed by this chapter, and for any default or omission of any town officer or school district board or officer under this chapter; and after deducting his costs and expenses to report the balances to the school commissioner.

9. To act, when legally required, in the erection or alteration of a school district, as provided in article five of this chapter, and to perform any other duty which may be devolved upon him by this chapter, or any other act relating to common schools.

10. To take and hold possession of the gospel and school lots of their respective towns.

11. To lease the same for such time not exceeding twenty-one years, and upon such conditions as they shall deem expedient.

12. To sell the same with the advice and consent of the inhabitants of the town, in town-meeting assembled, for such price and upon such terms of credit as shall appear to them most advantageous.

13. To invest the proceeds of such sales in loans, secured by bond and mortgage upon unincumbered real property of the value of double the amount loaned.

14. To purchase the property so mortgaged upon a foreclosure, and to hold and convey the property so purchased whenever it shall become necessary.

15. To re-loan the amount of such loans repaid to them, upon the like security.

16. To apply the rents and profits of such lots, and the interest of the money arising from the sale thereof, to the support of schools, as may be provided by law, in such manner as shall be thus provided.

17. To render a just and true account of the proceeds of the sales and the interest on the loans thereof, and of the rents and profits of such gospel and school lots, and of the expenditure and

appropriation thereof, on the last Tuesday next preceding the annual town-meeting in each year, to the town board.

18. To deliver over to his successor in office, all boxes, papers and securities relating to the same, at the expiration of their respective offices.

19. To take therefor a receipt, which shall be filed in the clerk's office of the town; and,

20. To commence and prosecute in and by the name and style of the supervisor of the town any suits against any of his predecessors in office or against any other person to recover any debt, dues or demands, in anywise arising from such public lot; and no such suit shall abate by the death, resignation or removal from office of the said supervisor but the same shall and may be prosecuted to judgment and execution by his successor in office.

§ 361. Sale of gospel or school lots on division of town. Whenever a town having lands assigned to it for the support of the gospel or of schools, shall be divided into two or more towns, or shall be altered in its limits by the annexing of a part of its territory to other towns, such lands shall be sold by the supervisor of the town, in which such lands were included immediately before such division or alteration; and the proceeds thereof shall be apportioned between the towns interested therein, in the same manner as the other public moneys of towns, so divided or altered, are apportioned.

§ 362. Payment of proceeds of sale of gospel or school lots. The shares of such moneys, to which the towns shall be respectively entitled, shall be paid to the supervisors of the respective towns, and shall thereafter be subject to the provisions of this article.

§ 363. Supervisor's bond for school moneys. 1. Immediately on receiving the school commissioners' certificates of apportionment, the county treasurer shall require of each supervisor, and each supervisor shall give to the treasurer, in behalf of the town, his bond, with two or more sufficient sureties, approved by the treasurer, in the penalty of at least double the amount of the school moneys set apart or apportioned to the town, and of any such moneys unaccounted for by his predecessors, conditioned for the faithful disbursement, safe-keeping and accounting for such moneys, and of all other school moneys that may come into his hands from any other source.

2. If the condition shall be broken the county treasurer shall sue the bond in his own name, in behalf of the town, and the money recovered shall be paid over to the successor of the supervisor in default, such successor having first *giving security as aforesaid.

3. Whenever the office of a supervisor shall become vacant, the county treasurer shall require the person elected or appointed to fill such vacancy to execute a bond, with two or more sureties, to be approved by the treasurer, in the penalty of at least double the sum of the school moneys remaining in the hands of the old supervisor, when the office became vacant, conditioned for the faithful disbursement and safe-keeping of and accounting for such moneys. But the execution of this bond shall not relieve the supervisor from the duty of executing the bond first above mentioned.

§ 364. Refusal of supervisor to give bond. The refusal of a supervisor to give such security shall be a misdemeanor, and any fine imposed on his conviction thereof shall be for the benefit of the common schools of the town. Upon such refusal, the moneys so set apart and apportioned to the town shall be paid to and disbursed by some other officer or person to be designated by the county judge, under such regulations and with such safeguards as he may prescribe, and the reasonable compensation of such officer or person, to be adjusted by the board of supervisors, shall be a town charge.

§ 365. Report by supervisors to district superintendents. On the first Tuesday of February in each year, each supervisor shall make a return in writing to the district superintendent of schools of the supervisory district in which the town is situated, showing the amounts of school moneys in his hands not paid on the orders of trustees for teachers' salaries, and the districts to which they stand accredited, and if such moneys remain in his hands, he shall report that fact; and thereafter he shall not pay out any of said moneys until he shall have received the certificate of the next apportionment; and the moneys so returned by him shall be reapportioned as directed in article 18 of this chapter. [*Amended by L.* 1913, *ch.* 130, *in effect March* 25, 1913.]

* So in original.

ARTICLE 14

[Entire article amended by L. 1910, ch. 607.]

District Superintendent of Schools; His Election, Powers and Duties

Section 380. Office of district superintendent of schools created.
381. Supervisory districts.
382. School directors.
383. Election of district superintendent.
384. Qualifications of district superintendents.
385. District superintendent must take oath of office.
386. Term of office of district superintendent.
387. Vacancies in the office of district superintendent.
388. Filling vacancy in the office of district superintendent.
389. Salary of district superintendent.
390. Expense of district superintendents.
391. Salary of district superintendent may be withheld.
392. Removal of district superintendent from office.
393. District superintendent not to be interested in certain business or to accept rewards, et cetera.
394. District superintendents not to engage in other business.
395. General powers and duties of district superintendent.
396. District superintendent subject to the rules of commissioner of education.
397. Other duties of a district superintendent.
398. Appeals from acts of district superintendent, et cetera.

§ 380. Office of district superintendent of schools created. The office of district superintendent of schools is hereby created to begin on the first day of January, nineteen hundred and twelve.

§ 381.* Supervisory districts. 1. The territory embraced in the school commissioner districts of the state outside of cities and of school districts of five thousand population or more, which employ a superintendent of schools, shall be organ-

* This section, as amended by L. 1910, chap. 607, took effect July 1, 1910.

ized and divided into supervisory districts. In the formation or division of such territory into such districts no town shall be divided. The territory of such districts must be contiguous and compact and towns shall be arranged in districts so that there shall be as equal a division of the territory and number of school districts as may be practicable.

2. In a county entitled to two or more supervisory districts the school commissioner of each school commissioner district in such county and the supervisor of each town in such county shall meet at the county seat of such county on the third Tuesday in April, nineteen hundred and eleven, at ten o'clock in the forenoon and divide such county into the number of supervisory districts to which it is entitled.

3. The county clerk of such county shall give ten days' notice, in writing, of such meeting, to each of such school commissioners and supervisors. The county clerk shall also call such meeting to order at the proper hour and the school commissioners and supervisors present shall elect from their number a chairman and a clerk.

4. A copy of the proceedings of such meeting showing the supervisory districts formed and naming the towns composing each of such districts, certified by the chairman and clerk, shall be deposited by the clerk of such meeting in the office of the clerk of the county immediately after the close of the meeting. The county clerk on receipt of the same shall forward a certified copy thereof to the commissioner of education.

5. The number of supervisory districts into which each county shall be organized or divided is as follows:

a. Hamilton, Putnam, Rockland, Schenectady, each one;

b. Chemung, Fulton, Genesee, Montgomery, Nassau, Schuyler, Seneca, Yates, each two;

c. Albany, Clinton, Columbia, Cortland, Essex, Greene, Livingston, Niagara, Orange, Orleans, Rensselaer, Schoharie, Suffolk, Sullivan, Tioga, Tompkins, Warren, Wyoming, each three;

d. Broome, Dutchess, Franklin, Herkimer, Lewis, Madison, Monroe, Ontario, Saratoga, Ulster, Washington, Wayne, Westchester, each four;

e. Allegany, Cattaraugus, Cayuga, Chenango, Erie, Onondaga, Oswego, each five;

f. Chautauqua, Delaware, Jefferson, Otsego, each six;

g. Oneida, Steuben, each seven;

h. Saint Lawrence, eight districts.

6. The district superintendents of two or more supervisory districts in a county may unite in a petition to the board of supervisors of the county for a change in the boundaries of such districts by including or excluding one or more towns, stating the reasons for such change, and if such change conforms to the territorial requirements of subdivision 1 of this section, the board of supervisors may, by resolution, change such districts in accordance with such petition. A copy of such resolution, certified by the chairman and clerk of the board of supervisors, shall be deposited by the clerk in the office of the clerk of the county. The county clerk on receipt of the same shall forward a certified copy thereof to the Commissioner of Education. [*Subdivision added by L.* 1916, *ch.* 238, *in effect April* 17, 1916.]

§ 382. School directors. 1. Two school directors shall be elected for each town at the general election held in the year 1910. One of such directors shall be elected to serve until January 1, 1913, and the other shall be elected to serve until January 1, 1916. A director shall be elected at the general election in 1912 and every fifth year thereafter and one shall be elected in 1915 and every fifth year thereafter. The term of office of the directors elected in 1912 and thereafter shall commence on the first day of January following their election and continue for five years. In towns, except those towns situated in the counties of Nassau and Suffolk, where biennial town meetings are held at a time other than the general election, directors shall be elected at the biennial town meeting held immediately prior to the expiration of the term of their predecessors. Such directors shall be elected in the same manner that town officers are elected at town meetings held at the time of a general election, and the provisions of the election law relating to the nomination and election of such town officers shall apply to the nomination and election of such directors.

2. A school director shall vacate his office by removal from the town or by filing a written resignation with the town clerk. A vacancy in the office of school director shall be filled by the town board of the town in which such vacancy exists, for the remainder of the unexpired term. If the town fails to elect a director a vacancy shall be deemed to exist in such office.

3. A school director before entering upon the discharge of the duties of his office, and not later than 30 days after the date on which he was elected to office, shall take the oath of office prescribed by the constitution. Such oath may be taken before a

justice of the peace or a notary public, and must be filed in the office of the clerk of the town.

4. A school director shall receive two dollars per day for each day's service and his necessary traveling expenses, and the town board of the town for which such director is chosen shall audit and allow the same. [*Amended by L.* 1910, *ch.* 607 *and L.* 1916, *ch.* 168, *in effect April* 7, 1916.]

§ 383. Election of district superintendent. 1. The school directors of the several towns composing a supervisory district shall meet for organization at eleven o'clock in the forenoon on the third Tuesday in May following their election. Such meeting shall be held at a place in the supervisory district, designated by the county clerk, at least ten days previous to the date thereof. At the time the county clerk designates such place of meeting he shall also mail a notice of the time and place of such meeting to each school director of the district. The school directors present at such meeting shall organize by electing from their number a chairman, a clerk and two inspectors of election. The school directors at such meeting shall designate a place for holding future meetings.

2. The school directors of the several towns composing a supervising district shall be a board of school directors, and such board of directors shall meet at eleven o'clock in the forenoon on the third Tuesday in August, nineteen hundred and eleven, and on the third Tuesday in June every fifth year thereafter, and elect a district superintendent of schools. The clerk of such board shall give each director at least ten days' notice in writing of the hour, date and place of such meeting.

3. If such directors fail to elect a district superintendent of schools before the first day of January following the date of such meeting, and a vacancy exists in such office, the county judge shall appoint such superintendent who shall serve until the board of directors shall fill such vacancy.

4. In the election of such district superintendent the vote shall be by ballot and the person receiving a majority of all votes cast shall be elected. Each school director shall be entitled to one vote in such election.

5. The clerk of such board shall file a copy of the proceedings of each meeting and each election, certified by himself and the chairman, in the office of the clerk of the county in which such meeting or election is held within three days after the close thereof.

6. The county clerk on receipt of notice of the election of a district superintendent of schools in any supervisory district of his county shall deliver to the person elected a certificate of such election attested by his signature with the seal of the county and shall also transmit to the commissioner of education a duplicate of such certificate of election. [*Amended by L.* 1910, *ch.* 607, *in effect April* 1, 1911.]

§ 384. Qualifications of district superintendents. 1. To be eligible to election to the office of district superintendent of schools a person must be at least twenty-one years of age, a citizen of the United States and a resident of the state, but he need not be a resident of the supervisory district for which he is elected at the time of his election. Such superintendent must, however, become a resident of the county containing the district for which he has been elected on or before the date on which his term of office begins. Failure to acquire such residence will be deemed a removal from the county. No person shall be ineligible on account of sex.

2. In addition thereto he must possess or be entitled to receive a certificate authorizing him to teach in any of the public schools of the state without further examination and he shall also pass an examination prescribed by the commissioner of education on the supervision of courses of study in agriculture and teaching the same.

3. A district superintendent who is removed from office shall not be eligible to election to such office in any supervisory district for a period of five years.

§ 385. District superintendent must take oath of office. A district superintendent of schools before entering upon the discharge of the duties of his office, and not later than five days after the date on which his term of office is to commence, shall take the oath of office prescribed by the constitution. Such oath may be taken before a county clerk, a justice of the peace, or a notary public and must be filed in the office of the clerk of the county.

§ 386. Term of office of district superintendent. The district superintendents elected in nineteen hundred and eleven shall hold office until the first day of August, nineteen hundred and sixteen. The full term of office of a district superintendent of schools elected in nineteen hundred and sixteen and thereafter shall be five years and shall commence on the first day

of August next after his election. A district superintendent of schools unless removed shall hold office until his successor is chosen and qualified.

§ 387. Vacancies in the office of district superintendent. The office of district superintendent of schools shall be vacant upon:

1. The death of an incumbent.
2. His removal from office by the commissioner of education.
3. His removal from the county.
4. His filing in the office of the clerk of the county his written resignation.
5. His acceptance of the office of supervisor, town clerk or trustee of a school district.
6. His failure to take and file the oath of office as provided in this article.

§ 388. Filling vacancy in the office of district superintendent. Whenever a vacancy occurs it shall be filled for the remainder of the unexpired term by the board of school directors. Upon direction of the commissioner of education the clerk of the board in which the supervisory district having such vacancy is located shall immediately call a special meeting of such board for the purpose of electing a district superintendent. The provisions of this title relative to the election generally of a district superintendent of schools, including notices, filing of the proceedings and all other matters relating to such an election, shall apply to a special election to fill a vacancy in such office.

§ 389. Salary of district superintendent. 1. Each district superintendent shall receive an annual salary from the state of twelve hundred dollars, payable monthly by the commissioner of education from moneys appropriated therefor.

2. The supervisors of the towns composing any supervisory district may by adopting a resolution by a majority vote increase the salary to be paid by such district to its district superintendent. Such supervisors must thereupon file with the clerk of the board of supervisors a certificate showing the amount of such increase. The board of supervisors of each county shall levy such amount annually by tax on the towns composing such supervisory district within the county.

§ 390. Expense of district superintendents. The commissioner of education shall quarterly audit and allow the actual sworn expense incurred by each district superintendent of schools in the performance of his official duties, but the amount

of such expense allowed shall not exceed in any year three hundred dollars. Such expenses shall be paid by the commissioner of education from moneys appropriated therefor.

§ 391. Salary of district superintendent may be withheld. The commissioner of education may, whenever he is satisfied that a district superintendent of schools has persistently neglected to perform an official duty, withhold payment of the whole or any part of such superintendent's salary as it shall become due and he may also withhold any sum to which such superintendent shall be entitled for expenses and the amount thus withheld shall be forfeited; but said commissioner may in his discretion remit such forfeiture in whole or in part.

§ 392. Removal of district superintendent from office. The commissioner of education may, by an order under the seal of the education department, remove a district superintendent of schools from office whenever he is satisfied that such superintendent:

1. Has been guilty of immoral conduct;
2. Is incompetent to perform any official duty; or
3. Has persistently neglected or wilfully refused to perform any lawful duty imposed upon him.

§ 393. District superintendent not to be interested in certain business or to accept rewards, et cetera. A district superintendent of schools shall not:

1. Be directly or indirectly interested otherwise than as author in the sale, publication, or manufacture of school books, maps, charts, or school apparatus or in the sale or manufacture of school furniture or any other school or library supplies.
2. Be directly or indirectly interested in any contract made by the trustees of a school district.
3. Be directly or indirectly interested in any agency or bureau maintained to obtain or aid in obtaining positions for teachers or superintendents.
4. Directly or indirectly receive any emolument, gift, pay, reward or promise of pay or reward for recommending or procuring the sale, use or adoption or aiding in procuring the sale, use or adoption of any book, map, chart, school apparatus or furniture or other supplies for any school or library or for recommending a teacher or aiding a teacher in obtaining an appointment to teach.

§ 394. District superintendents not to engage in other business. A district superintendent of schools shall

devote his whole time to the performance of the duties of his office and shall not engage in any other occupation or profession. Such time as shall not necessarily be devoted by a district superintendent of schools to the performance of the clerical and administrative work of his office shall be devoted to the visitation and inspection of the schools maintained in his supervisory district.

§ 395. General powers and duties of district superintendent. A district superintendent of schools shall have power and it shall be his duty:

1. To inquire from time to time into and ascertain whether the boundaries of the school districts within his supervisory district are definitely and plainly described in the records of the office of the proper town clerk; and in case the record of the boundaries of any school district shall be found indefinite or defective, or if the same shall be in dispute, then to cause the same to be amended or an amended record of the boundaries to be made. All necessary expenses incurred in establishing such amended records shall be a charge on the district or districts affected, to be audited and allowed by the trustees thereof, on the certificate of the district superintendent.

2. To assemble all the teachers of his district by towns or otherwise, for the purpose of conference on the course of study, for reports of and advice and counsel in relation to discipline, school management and other school work, and for promoting the general good of all the schools of the district. Teachers shall be entitled to compensation for days actually in attendance upon such conference. [*Subdivision amended by L.* 1913, *ch.* 511, *in effect May* 14, 1913.]

3. To frequently and thoroughly inspect the work done in the training classes maintained in his district and to report to the commissioner of education on the efficiency of the instruction given and the observation and practice work done by the members thereof.

4. To hold meetings of trustees and other school officers and to advise with and counsel them in relation to their powers and duties and particularly in relation to the repair, construction, heating, ventilating and lighting of schoolhouses and improving and adorning the school grounds. To especially advise trustees relative to the employment of teachers, the adoption of textbooks and the purchase of library books, school apparatus, furniture and supplies.

5. To direct the trustees of any district to make any alterations or repairs to the schoolhouses or outbuildings which shall, in his opinion, be necessary for the health or comfort of the pupils, but the amount which trustees shall be directed to expend in such alterations or repairs shall not exceed two hundred dollars in any one year.

6. To direct the trustees of any district to make any repairs or alterations to school furniture, or where in his opinion any furniture is unfit for use and not worth repairing, or when sufficient furniture is not provided, to direct that such new furniture shall be provided as he deems necessary, but the amount thus directed to be expended shall not exceed in any one year one hundred dollars.

7. To direct the trustees of any district to abate any nuisance in or on the school grounds.

8. To condemn a schoolhouse as provided elsewhere in this chapter.

9. To examine and license teachers pursuant to the provisions of this chapter. He shall also conduct such other examinations as the commissioner of education shall direct.

10. To examine any charge affecting the moral character of any teacher residing or employed within his district, and to revoke such teacher's certificate as elsewhere provided by this chapter.

11. To take affidavits and administer oaths in all matters pertaining to the public school system, but without charge or fee.

12. To take and report to the commissioner of education under the direction of such commissioner testimony in a case on appeal. In such a case or in any matter or proceeding to be heard or determined by the district superintendent, he may issue a subpoena to compel the attendance of a witness. Service of such subpoena shall be made a reasonable time before the date named therein for the hearing, by exhibiting the same to the person so served, with the signature of the district superintendent of schools attached, and by leaving a copy thereof with such person. The witness shall be entitled to receive at the time of service, the same fees as provided by law for witnesses in a court of record. Disobedience to such subpoena shall subject the delinquent to a penalty of twenty-five dollars, which shall be recovered by the county treasurer in his name of office for the benefit of the county.

13. To exercise in his discretion any of the powers and perform any of the duties of another district superintendent on the

written request of such other superintendent, and he must exercise such powers and perform such duties when directed to do so by the commissioner of education.

14. To make such investigations and to make such reports to the commissioner of education upon any matter or act as said commissioner shall from time to time request. He shall make an annual report on the first day of September in such form and giving such information as the commissioner of education shall require. For this purpose he shall procure the reports of trustees of school districts from the town clerks' offices and after abstracting the necessary contents thereof shall indorse and deposit them with a copy of his abstract in the office of the county clerk.

§ 396. District superintendent subject to the rules of commissioner of education. A district superintendent shall be subject to such rules and directions as the commissioner of education shall from time to time prescribe.

§ 397. Other duties of a district superintendent. A district superintendent of schools shall, in addition to the duties especially conferred upon him by this title, possess and be subject to all the powers, duties and responsibilities with which a school commissioner is charged by law.

§ 398. Appeals from acts of district superintendent, et cetera. Appeals from the official acts of a district superintendent of schools or from his refusal or failure to act in any matter in which he may legally act, may be taken to the commissioner of education. All questions in controversy relating to the election of such district superintendent or to the formation of supervisory district shall be determined by the commissioner of education on proper appeal. The provisions of article fourteen of this chapter shall apply to and govern such appeals and decisions therein.*

ARTICLE 15
Assessment and Collection of Taxes

Section 410. Assessment of taxes.
411. Property to be assessed.
412. Ascertainment of valuations.
413. Power of trustees to determine values.

* L. 1910, chap. 607, § 2. Sections three hundred and eighty-one and three hundred and eighty-two of this article hereby amended shall take effect on the first day of July, nineteen hundred and ten. Section three hundred and eighty-three of such article shall take effect on the first day of April, nineteen hundred and eleven. All other provisions of such article shall take effect on the first day of January, nineteen hundred and twelve.

Section 414. Equalization within joint districts.
415. Assessment of vacant land.
416. Persons working land on shares and vendees in possession liable to taxation.
417. Liability of property of certain absentee owners.
418. Certain exemptions from tax for building schoolhouse.
419. Right of certain tenants to charge tax to landlord.
420. Requisites and authority of collector's warrant.
421. Time for delivery of warrant to collector.
422. Jurisdiction of collector.
423. Renewals of warrants.
424. Amendment of tax-lists.
425. Collector's notice.
426. Collector's fees.
427. Notice to railroad companies and certain other corporations of assessment and tax.
428. Payment of tax by railroad and certain other corporations to county treasurer.
429. Duty of collector after failure of railroad and certain other corporations to pay within thirty days.
430. Payment of tax by county treasurer to collector.
431. Such companies may pay collector.
432. Trustees' right of action to recover tax.
433. Collector's return of unpaid taxes.
434. Certification by trustees of collector's return.
435. Payment of unpaid taxes from county treasury.
436. Levy by supervisors of unpaid taxes.
437. Payment before levy.
438. Proceedings for collection same as of county taxes.
439. Filing tax-list and warrant with town clerk.
440. Assessment for school purposes of certain state lands.

§ 410. Assessment of taxes. Immediately after a tax shall have been voted by a district meeting, for a purpose arising during the current school year the trustees shall assess it, and make out the tax-list therefor, and annex thereto their warrant for its collection. Where a tax is voted at an annual school meeting for school purposes during the following school year the said trustees shall prepare their tax-list therefor and annex thereto their warrant

for its collection within thirty days after August first. But they may at the same time assess two or more taxes so voted, and any taxes they are authorized to raise without such vote, and make out one tax-list and one warrant for the collection of the whole. They shall prefix to their tax-list a heading showing for what purpose the different items of the tax are levied. [*Amended by L.* 1911, *ch.* 830.]

§ 411. Property to be assessed. 1. School district taxes shall be apportioned by the trustees upon all real estate within the boundaries of the district which shall not be by law exempt from taxation, except as hereinafter provided, and such property shall be assessed to the person or corporation owning or possessing the same at the time such tax-list shall be made out.

2. The trustees shall also apportion the district taxes upon all persons residing in the district, and upon all corporations liable to taxation therein, for the personal estate owned by them and liable to taxation.

3. Land lying in one body and occupied by the same person, either as owner or agent for the same principal, or as tenant under the same landlord, if assessed as one lot on the last assessment-roll of the town after revision by the assessors, shall, though situated partly in two or more school districts, be taxable in that one of them in which such occupant resides. This rule shall not apply to land owned by non-residents of the district, and which shall not be occupied by an agent, servant or tenant residing in the district. Such unoccupied real estate shall be assessed as non-resident, and a description thereof shall be entered in the tax-list.

§ 412. Ascertainment of valuations. The valuations of taxable property shall be ascertained, so far as possible, from the last assessment-roll of the town, after revision by the assessors; and no person shall be entitled to any reduction in the valuation of such property, as so ascertained, unless he shall give notice of his claim to such reduction in writing to the trustees of the district before the tax-list shall be made out.

§ 413. Power of trustees to determine values. The trustees of a district shall ascertain the true value of the property to be taxed from the best evidence in their power, giving notice to the persons interested, and proceeding in the same manner as the town assessors are required by law to proceed in the valuation of taxable property, the hearing of grievances, and the revision of the town assessment-roll in the following cases:

1. When a reduction shall be duly claimed and where the valuation of taxable property cannot be ascertained from the last completed assessment-roll of the town;

2. When the valuation of such property shall have increased or diminished since the last assessment-roll of the town was completed;

3. When an error, mistake, or omission on the part of the town assessors shall have been made in the description or valuation of taxable property.

§ 414. Equalization within joint districts. When a district embraces parts of two or more towns, the supervisors of such towns shall, upon receiving a written notice from the trustees of such district, or from three or more persons liable to pay taxes upon real estate therein, meet at a time and place to be named in such notice, which time shall not be less than five or more than ten days from the service thereof, and a place within the bounds of the towns so in part embraced, and proceed to inquire and determine whether the valuation of real property upon the several assessment-rolls of said towns is substantially just as compared with each other.

2. If it is ascertained that such assessments are not relatively equal such supervisor shall determine the relative proportion of taxes that ought to be assessed upon the real property of the parts of such district lying in different towns, and the trustees of such district shall thereupon assess the proportion of any tax thereafter to be raised, according to the determination of such supervisors, until new assessment-rolls of the town shall be perfected and filed, using the assessment-rolls of the several towns to distribute the said proportion among the persons liable to be assessed for the same.

3. If such supervisors shall be unable to agree, they shall summon a supervisor from some adjoining town who shall meet with them and unite in such inquiry and the finding of a majority shall be the determination of such meeting.

4. Such supervisors shall receive for their services three dollars per day for each day actually employed which shall be a town charge upon their respective towns.

§ 415. Assessment of vacant land. When any real estate within a district so liable to taxation shall not be occupied and improved by the owner, his servant or agent, and shall not be possessed by any tenant, the trustees of any district, at the

time of making out any tax-list by which any tax shall be imposed thereon, shall make and insert in such tax-list a statement and description of every such lot, piece or parcel of land so owned by nonresidents therein, in the same manner as required by law from town assessors in making out the assessment-roll of their towns; and if any such lot is known to belong to an incorporated company liable to taxation in such district, the name of such company shall be specified, and the value of such lot or piece of land shall be set down opposite to such description, which value shall be the same that was affixed to such lot or piece of land in the last assessment-roll of the town; and if the same was not separately valued in such roll, then it shall be valued in proportion to the valuation which was affixed in the said assessment-roll to the whole tract of which such lot or piece shall be part.

§ 416. Persons working land on shares and vendees in possession liable to taxation. Any person working land under a contract for a share of the produce of such land, shall be deemed the possessor, so far as to render him liable to taxation therefor, in the district where such land is situate, and any person in possession of real property under a contract for the purchase thereof shall be liable to taxation therefor in the district where such real property is situated.

§ 417. Liability of property of certain absentee owners. Every person owning or holding any real property within any school district, who shall improve and occupy the same by his agent or servant, shall, in respect to the liability of such property to taxation, be considered a taxable inhabitant of such district, in the same manner as if he actually resided therein.

§ 418. Certain exemptions from tax for building school-house. Every taxable inhabitant of a district who shall have been, within four years, set off from any other district, without his consent, and shall within that period, have actually paid in such other district, under a lawful assessment therein, a district tax for building a school-house, shall be exempted by the trustees of the district where he shall reside, from the payment of any tax for building a school-house therein.

§ 419. Right of certain tenants to charge tax to landlord. Where any district tax, for the purpose of purchasing a site for a school-house, or for purchasing or building, keeping in repair, or furnishing such school-house with necessary

fuel and appurtenances, shall be lawfully assessed, and paid by any person on account of any real property whereof he is only a tenant at will, or for three years, or for a less period of time, such tenant may charge the owner of such real estate with the amount of the tax so paid by him, unless some agreement to the contrary shall have been made by such tenant.

§ 420. Requisites and authority of collector's warrant. The warant* for the collection of a district tax shall be under the hands of the trustees, or a majority of them, with or without their seals; and it shall have the like force and effect as a warrant issued by a board of supervisors to a collector of taxes in the town; and the collector to whom it may be delivered for collection shall be thereby authorized and required to collect from every person in such tax-list named the sum set opposite to his name, or the amount due from any person specified therein, in the same manner that collectors are authorized to collect town and county taxes.

§ 421. Time for delivery of warrant to collector. 1. A warrant for the collection of a tax voted by the district shall not be delivered to the collector until the thirty-first day after the tax was voted.

2. A warrant for the collection of a tax authorized by law without a vote of the district may be delivered to the collector whenever the same is completed.

§ 422. Jurisdiction of collector. Any collector to whom any tax-list and warrant may be delivered for collection may execute the same in any other district or town in the same county, or in any other county where the district is a joint district and composed of territory from adjoining counties, in the same manner and with the like authority as in the district in which the trustees issuing the said warrant may reside, and for the benefit of which said tax is intended to be collected; and the bond or sureties of any collector, given for the faithful performance of his official duties, are hereby declared and made liable for any moneys received or collected on any such tax-list and warrant.

§ 423. Renewals of warrants. If the sum of money, payable by any person named in such tax-lists, shall not be paid by him or collected by such warrant within the time therein limited, it shall be lawful for the trustees to renew such warrant in respect to such delinquent person; and whenever more than

* So in original.

one renewal of a warrant for the collection of any tax-list may become necessary in any district, the trustees may make such further renewal, with the written approval of the supervisor of any town in which a school-house of said district may be located, to be indorsed upon such warrant.

§ 424. Amendment of tax-lists. Whenever the trustees of any school district shall discover any error in a tax-list made out by them, they may, with the approval and consent of the commissioner of education, after refunding any amount that may have been improperly collected on such tax-list, if the same shall be required by him, amend and correct such tax-list, as directed by the commissioner, in conformity to law.

§ 425. Collector's notice. 1. The collector, on the receipt of a warrant for the collection of taxes, shall give notice to the taxpayers of the district by publicly posting written or printed, or partly written and partly printed, notices in at least three public places in such district, one of which shall be on the outside of the front door of the school-house, stating that he has received such warrant and will receive all such taxes as may be voluntarily paid to him within thirty days from the time of posting said notice.

2. Such collector shall also give a like notice, either personally or by mail, at least twenty days previous to the expiration of the thirty days aforesaid, to the president, secretary, general or division superintendent, or manager of any canal or pipe line, assessed for taxes upon the tax-list delivered to him with the aforesaid warrant.

3. Such collector shall also give a like notice to all nonresident taxpayers on said list whose tax amounts to one dollar or more and whose residence or post-office address may be known to such collector, or may be ascertained by him upon inquiry of the trustees and clerk of his district.

4. No school collector shall be entitled to recover from any railroad corporation, canal company or pipe line, or nonresident taxpayer more than one per centum fees on the taxes assessed against such corporation or nonresident, unless such notice shall have been given as aforesaid; and in case the whole amount of taxes shall not be so paid in, the collector shall forthwith proceed to collect the same.

§ 426. Collector's fees. The collector shall receive for his services on all sums paid in as aforesaid, one per centum, and

upon all sums collected by him, after the expiration of the time mentioned, five per centum, except as hereinbefore provided; and in case a levy and sale shall be necessarily made by such collector, he shall be entitled to traveling fees, at the rate of ten cents per mile, to be computed from the school-house in such district.

§ 427. Notice to railroad companies and certain other corporations of assessment and tax. 1. It shall be the duty of the school collector in each school district in this state, within five days after the receipt by such collector of any and every tax or assessment roll of his district, to prepare and deliver to the county treasurer of the county in which such district, or the greater part thereof, is situated, a statement showing the name of each railroad, telegraph, telephone, electric light or gas company, including a company engaged in the business of supplying natural gas, appearing in said roll, the assessment against each of said companies for real and personal property respectively, and the tax against each of said companies.

2. It shall thereupon be the duty of such county treasurer, immediately after the receipt by him of such statement from such school collector, to notify the ticket agent or manager of any such railroad, telegraph, telephone, electric light or gas company, including a company engaged in the business of supplying natural gas assessed for taxes at the station or office nearest to the office of such county treasurer or to notify the company at its principal office within this state personally or by mail, of the fact that such statement has been filed with him by such collector, at the same time specifying the amount of tax to be paid by such company. [*Amended by L.* 1913, *ch.* 216, *in effect April* 4, 1913.]

§ 428. Payment of tax by railroad and certain other corporations to county treasurer. Any railroad company heretofore organized, or which may hereafter be organized, under the laws of this state and any telegraph, telephone, electric light or gas company including a company engaged in the business of supplying natural gas may within thirty days after the receipt of such statement by such county treasurer, pay the amount of tax so levied or assessed against it in such a district and in such statement mentioned and contained with one per centum fee thereon, to such county treasurer, who is hereby authorized and directed to receive such amount and to give proper

receipt therefor. [*Amended by L.* 1913, *ch.* 216, *in effect April* 4, 1913.]

§ 429. Duty of collector after failure of railroad and certain other corporations to pay within thirty days. In case any railroad company and any telegraph, telephone, electric light or gas company including a company engaged in the business of supplying natural gas shall fail to pay such tax within said thirty days, it shall be the duty of such county treasurer to notify the collector of the school district in which such delinquent railroad company is assessed, of its failure to pay said tax, and upon receipt of such notice it shall be the duty of such collector to collect such unpaid tax in the manner now provided by law together with five per centum fees thereon; but no school collector shall collect by distress and sale any tax levied or assessed in his district upon the property of any such company until the receipt by him of such notice from the county treasurer. [*Amended by L.* 1913, *ch.* 216, *in effect April* 4, 1913.]

§ 430. Payment of tax by county treasurer to collector. The several amounts of tax received by any county treasurer in this state, under the provisions of the last three sections, of and from such companies, shall be by such county treasurer placed to the credit of the school district for or on account of which the same was levied or assessed, and on demand paid over to the school collector thereof, and the one per centum fees received therewith shall be placed to the credit of, and on demand paid to, the school collector of such school district. [*Amended by L.* 1913, *ch.* 216, *in effect April* 4, 1913.]

§ 431. Such companies may pay collector. Nothing in the last four sections contained shall be construed to hinder, prevent or prohibit any railroad company or telegraph, telephone, electric light or gas company including a company engaged in the business of supplying natural gas from paying its school tax to the school collector direct, as provided by law. [*Amended by L.* 1913, *ch.* 216, *in effect April* 4, 1913.]

§ 432. Trustees' right of action to recover tax. Whenever any sum of money payable by any person named in such tax-list, shall not be paid by such person, or collected by such warrant within the time therein limited, or the time limited by any renewal of such warrant; or in case the property assessed be real estate belonging to an incorporated company, and no goods

or chattels can be found whereon to levy the tax, the trustees may sue for and recover the same in their name of office.

§ 433. Collector's return of unpaid taxes. If any tax on real estate placed upon the tax-list and duly delivered to the collector, or the taxes upon nonresident stockholders in banking associations organized under the laws of congress, shall be unpaid at the time the collector is required by law to return his warrant, he shall deliver to the trustees of the district an account of the taxes remaining due, containing a description of the lands upon which such taxes were unpaid as the same were placed upon the tax-list, together with the amount of the tax so assessed, and upon making oath before any justice of the peace or judge of a court of record, notary public or any other officer authorized to administer oaths, that the taxes mentioned in any such account remain unpaid, and that, after diligent efforts, he has been unable to collect the same, he shall be credited by said trustees with the amount thereof.

§ 434. Certification by trustees of collector's return. Upon receiving any such account from the collector, the trustees shall compare it with the original tax-list, and if they find it to be a true transcript they shall add to such account their certificate to the effect that they have compared it with the original tax-list and found it to be correct, and shall immediately transmit the account, affidavit and certificate to the treasurer of the county.

§ 435. Payment of unpaid taxes from county treasury. Out of any moneys in the county treasury, raised for contingent expenses, or for the purpose of paying the amount of the taxes so returned unpaid, the treasury shall pay to the district treasurer, if there be such an officer, otherwise to the collector, the amount of the taxes so returned as unpaid, and if there are no moneys in the treasury applicable to such purpose, the board of supervisors, at the time of levying said unpaid taxes, as provided in the next section, shall pay to the district treasurer, if there be such an officer, otherwise to the collector of the school district the amount thereof which has been relevied, by voucher or draft on the county treasurer, in the same manner as other county charges are paid, and the collector shall be charged by the trustees with the amount so relevied. [*Amended by L.* 1910, *ch.* 284 *and L.* 1915, *ch.* 136, *in effect September* 1, 1915.]

§ 436. Levy by supervisors of unpaid taxes. Such account, affidavit and certificate shall be laid by the county treasurer before the board of supervisors of the county, who shall cause the amount of such unpaid taxes, with seven per centum of the amount in addition thereto, to be levied upon the lands upon which the same were imposed; and if imposed upon the lands of any incorporated company, then upon such company; and when collected the same shall be returned to the county treasurer to reimburse the amount so advanced, with the expenses of collection.

§ 437. Payment before levy. Any person whose lands are included in any such account may pay the tax assessed thereon, with five per centum added thereto, to the county treasurer, at any time before the board of supervisors shall have directed the same to be levied.

§ 438. Proceedings for collection same as of county taxes. The same proceedings in all respects shall be had for the collection of the amount so directed to be raised by the board of supervisors as are provided by law in relation to the county taxes; and, upon a similar account, as in the case of county taxes of the arrears thereof uncollected, being transmitted by the county treasurer to the comptroller, the same shall be paid on his warrant to the treasurer of the county advancing the same; and the amount so assumed by the state shall be collected for its benefit, in the manner prescribed by law in respect to the arrears of county taxes upon land of nonresidents; or if any part of the amount so assumed consisted of a tax upon any incorporated company, the same proceedings may also be had for the collection thereof as provided by law in respect to the county taxes assessed upon such company.

§ 439. Filing tax-list and warrant with town clerk. Within fifteen days after any tax-list and warrant shall have been returned by a collector to the trustees of any school district, the trustees shall deliver the same to the town clerk of the town in which the collector resides, and said town clerk shall file the same in his office.

§ 440. Assessment for school purposes of certain state lands. 1. The board of education of union free school district number one, town of Dannemora, in the county of Clinton, shall hereafter assess the property owned by the state and situate within the boundaries of said district, exclusive of the improvements erected thereon by the state at the same valuation as other

lands in said district are assessed, and the comptroller shall hereafter pay to the school authorities of such district the amount of taxes levied upon the land of the state for school purposes in such district by virtue of this section, out of any moneys hereafter appropriated by the legislature for the payment of assessments for local improvements on property owned by the state.

2. The local school authorities of union free school district number 2 of the town of Wawarsing, Ulster county, districts number 6 and 8 of the town of Dover and districts number 1 and 2 of the town of Beekman, Dutchess county, all the school districts in the towns of Highlands, Woodbury and Tuxedo, Orange county, union free school district number 1 of the town of Ossining in the county of Westchester, and of school districts in the county of Rockland shall hereafter assess the lands owned by the State of New York and situate within the boundaries of said districts, exclusive of the improvements, if any, erected thereon by the State, at the same valuation as similar lands of individuals in said districts are assessed and the comptroller shall hereafter credit to the treasurer of the county wherein such lands are situated the amount of taxes levied upon the lands of the State therein for school purposes from taxes payable by said county treasurer each year to the State for State taxes levied and assessed upon the taxable property of the towns in which such districts are located and upon the adjustment of such taxes so made, the said county treasurer shall pay to the collector of taxes of the school districts in which such lands are situated the amount of such taxes as allowed and so paid by the State. [*Amended by L.* 1911, *ch.* 593; *L.* 1915, *ch.* 125 *and L.* 1916, *ch.* 407, *in effect May* 3, 1916.]

3. After a tax has been voted by a district meeting in a district specified in the preceding subdivision, in which there is land owned by the state and the trustees have made the assessment and their tax-list therefor, such trustees shall immediately file in the office of the comptroller a duly verified copy of such tax list, which in addition to the other matters now required by law shall state which are lands belonging to the state. The comptroller shall within thirty days after the receipt of such list and after hearing the trustees, if they or any of them so desire, correct or reduce any assessment of state lands which may be in his judgment an unfair proportion to the remaining assessment of land within the district, and shall in other respects approve the assessment and com-

municate such approval to the trustees. No such assessment of state lands shall be valid for any purpose until the amount of the assessment is approved by the comptroller.

ARTICLE 16
School Buildings and Sites

Section 450. No school-house shall be built on town line.
451. Plans and specifications of *new school buildings must be approved by commissioner of education.
452. Halls, doors, stairways, staircases, etc.
453. Fire escapes.
454. Use of school buildings for examinations and institutes.
455. Use of school-house and grounds out of school hours.
456. Condemnation of school-house and erection of new school-house in place thereof.
457. Provision for outbuildings.
458. When board of education may designate site without vote of district.
459. Change of site.
460. Site, how designated.
461. Sale of former school-house or site.
462. Application of proceeds of sale.
463. Acquisition of real property.
464. When owner's consent necessary.
465. Vesting of title of lands in certain cases.
466. Application to certain districts.
467. School taxes and school bonds.

§ 450. No school-house shall be built on town line. No school-house shall be built so as to stand on the division line of any two towns.

§ 451. Plans and specifications of school buildings must be approved by commissioner of education. 1. No school-house shall hereafter be erected, repaired, enlarged or remodeled in a city of the third class or in a school district, at an expense which shall exceed five hundred dollars, until the plans and specifications thereof shall have been submitted to the commissioner of education and his approval indorsed thereon. Such plans and specifications shall show in detail the ventilation, heating and lighting of such buildings.

* So in original.

2. The commissioner of education shall not approve the plans for the erection of any school building or addition thereto or remodeling thereof unless the same shall provide

a. At least fifteen square feet of floor space and two hundred cubic feet of air space for each pupil to be accommodated in each study or recitation room therein.

b. For assuring at least thirty cubic feet of pure air every minute per pupil, and

c. The facilities for exhausting the foul or vitiated air therein shall be positive and independent of atmospheric changes.

3. No tax voted by a district meeting or other competent authority in any such city, or school district exceeding the sum of five hundred dollars, shall be levied by the trustees until the commissioner of education shall certify that the plans and specifications for the same comply with the provisions of this section.

§ 452. Halls, doors, stairways, staircases, etc. 1. All school-houses for which plans and detailed statements shall be filed and approved, as required by the preceding section shall have all halls, doors, stairways, seats, passage-ways and aisles and all lighting and heating appliances and apparatus arranged to facilitate egress and afford adequate protection in cases of fire or accident.

2. All exit doors shall open outwardly, and shall, if double doors be used, be fastened with movable bolts operated simultaneously by one handle from the inner face of the door.

3. No staircase shall be constructed with winder steps in lieu of a platform but shall be constructed with straight runs, changes in direction being made by platforms. No door shall open immediately upon a flight of stairs, but a landing at least the width of the door shall be provided between such stairs and such doorway.

§ 453. Fire escapes. 1. All school buildings in the state, except in the city of New York, which are more than two stories high, shall have properly constructed stairways on the outside thereof, with suitable doorways leading thereto, from each story above the first, for use in case of fire. Such stairways shall be kept in good order and free from obstruction, and shall not be bolted or locked during school hours.

2. It shall be the duty of the trustee or board of education having charge of said school buildings to cause such stairways to be constructed and maintained, and the reasonable and proper

cost thereof shall in each case be a legal charge upon the district or city, and shall be raised by tax, as other moneys are raised for school purposes.

§ 454. Use of school buildings for examinations and institutes. 1. The use of a school building shall be granted for any examination or teachers institute appointed by the commissioner of education upon the request of the school commissioner in whose school commissioner district or the superintendent of the city in which such building is located or upon the direction or order of such commissioner of education.

2. No charge shall be made therefor except when such building is used for a teachers institute, in which case a reasonable allowance may be made to said district or city for lighting, heating and janitor service, provided always that due and proper care shall be maintained and the school building be left in such condition as found in relation to cleanliness and neatness.

§ 455. Use of school-house and grounds out of school hours. School-houses and grounds connected therewith and all property belonging to the district shall be in the custody and under the control and supervision of the trustees or board of education of the district. The trustees or board of education may adopt reasonable regulations for the use of such school-houses, grounds or other property, when not in use for school purposes. Such regulations shall not conflict with the provisions of this chapter and shall conform to the purposes and intent of this section and shall be subject to review on appeal to the commissioner of education as provided by law. The trustees or board of education of each district may, subject to regulations adopted as above provided, permit the use of the school-house and rooms therein, and the grounds and other property of the district, when not in use for school purposes, for any of the following purposes:

1. By persons assembling therein for the purpose of giving and receiving instruction in any branch of education, learning or the arts.

2. For public library purposes, subject to the provisions of this chapter, or as stations of public libraries.

3. For holding social, civic and recreational meetings and entertainments, and other uses pertaining to the welfare of the community; but such meetings, entertainment and uses shall be nonexclusive and shall be open to the general public.

4. For meetings, entertainments and occasions where admission

fees are charged, when the proceeds thereof are to be expended for an educational or charitable purpose; but such use shall not be permitted if such meetings, entertainments and occasions are under the exclusive control, and the said proceeds are to be applied for the benefit of a society, association or organization of a religious sect or denomination, or of a fraternal, secret or other exclusive society or organization.

5. For polling places for holding primaries and elections, and for the registration of voters, and for holding political meetings. But no such use shall be permitted unless authorized by a vote of a district meeting, held as provided by law. It shall be the duty of the trustees or board of education to call a special meeting for such purpose upon the petition of at least ten per centum of the qualified electors of the district. If such authority be granted by a district meeting it shall be the duty of such trustees or board of education to permit such use, under reasonable regulations to be adopted by such trustees or board until another meeting held in like manner shall have revoked such authority. [*Section amended by L.* 1913, *ch.* 221, *in effect April* 5, 1913.]

§ 456. Condemnation of school-house and erection of new school-house in place thereof. 1. A school commissioner may make an order condemning a school-house, if he finds upon examination that such school-house is wholly unfit for use and not worth repairing. He shall deliver such order to a trustee of the district and transmit a copy thereof to the commissioner of education. He shall also state in such order the date on which it shall take effect and the sum which in his opinion will be necessary to erect a school building suitable to the needs of the district.

2. Immediately upon the receipt of said order, the trustees of such district shall call a special meeting of the voters of said district, to consider the question of building a new school-house therein. Such meeting shall have power to determine the size of said school-house, the material to be used in its erection, and to vote a tax to build the same. But such meeting shall have no power to reduce the estimate made by the commissioner aforesaid by more than twenty-five per centum of such estimate.

3. And where no tax for building such school-house shall have been voted by such district within thirty days from the time of holding the first meeting to consider the question, it shall be the duty of the trustees of such district to contract for the building

of a school-house capable of accommodating the children of the district, and to levy a tax to pay for the same, which tax shall not exceed the sum estimated as necessary by the commissioner aforesaid, and which shall not be less than such estimated sum by more than twenty-five per centum thereof. But such estimated sum may be increased at any subsequent school meeting legally held in the district.

§ 457. Provision for outbuildings. 1. The trustees in the several school districts shall provide at least two suitable and convenient water-closets or privies for each of the schools under their charge, which shall be entirely separated each from the other, and have separate means of access, and approaches thereto separated by a substantial close fence not less than seven feet in height. It shall also be the duty of trustees to keep such out buildings in a clean and wholesome condition.

2. The board of education of each union free school district and of a city shall provide and maintain at least two suitable and convenient water-closets or privies for each of the schools under their charge, and in conformity with the provisions of this section.

3. Any expense incurred by the trustees of a common school district in carrying out the requirements of this section shall be a charge upon the district, when such expense shall have been authorized by the school commissioner within whose district the school house is located, and a tax may be levied therefor without a vote of the school district. Any expense incurred by the board of education in carrying out the foregoing provisions shall be a charge upon the district or city and payable out of any of the contingent funds thereof; and a tax may be levied therefor without a vote of the district.

4. A failure on the part of the trustees or a board of education to comply with the provisions of this section shall be sufficient grounds for their removal from office and for withholding from the district or city its share of the public moneys of the state.

§ 458. When board of education may designate site without vote of district. A board of education in a union free school containing a population of five thousand or more may, without a vote of the qualified voters of said district, designate sites or additions thereto for school-houses.

§ 459. Change of site. No site of a school-house shall be changed unless a majority of the legal voters present and voting

at a district meeting shall adopt a resolution designating a new site and describing such site by metes and bounds. Such resolution shall be adopted either by ballot or taking and recording the ayes and noes.

§ 460. Site, how designated. The designation of a site by any school district meeting shall be by written resolution containing a description thereof by metes and bounds, and such resolution must receive the assent of a majority of the qualified voters present and voting at said meeting, to be ascertained by taking and recording the ayes and noes, or by ballot.

§ 461. Sale of former school-house or site. 1. Whenever the site of a school-house shall have been changed, as herein provided, the inhabitants of a district entitled to vote, lawfully assembled at any district meeting, shall have power, by a majority of the votes of those present, to direct the sale of the former site or lot, and the buildings thereon and appurtenances or any part thereof, at such price and upon such terms as they shall deem proper; and any deed duly executed by the trustees of such district, or a majority of them, in pursuance of such direction, shall be valid and effectual to pass all the estate or interest of such school district in the premises.

2. When a credit shall be directed to be given upon such sale for the consideration money, or any part thereof, the trustees are hereby authorized to take in their corporate name such security by bond and mortgage, or otherwise, for the payment thereof, as they shall deem best, and shall hold the same as a corporation, and account therefor to their successors in office and to the district, in the manner they are now required by law to account for moneys received by them; and the trustees of any such district and their successors may, in their name of office, sue for and recover the moneys due and unpaid upon any security so taken by them or their predecessors.

§ 462. Application of proceeds of sale. All moneys arising from any sale made in pursuance of the last preceding section, shall be applied to the expenses incurred in procuring a new site, and in removing or erecting thereon a school-house, and improving and furnishing such site and house, and their appurtenances, so far as such application shall be necessary; and the surplus, if any, shall be devoted to the purchase of school apparatus and the support of the school, as the voters of the district at any meeting shall direct.

§ 463. Acquisition of real property. Real property may be acquired in any school district and in any city except a city of the first or second class, for school purposes and for any other purpose for which such property may be acquired as provided in this chapter, as follows:

1. By gift, grant, devise or purchase.

2. By condemnation, if an agreement can not be made with the owner for the purchase thereof. Such proceedings shall be instituted and conducted by the trustee or board of education, in the name of the district under the provisions of the condemnation law.

3. This section does not permit the acquisition by condemnation of less than the whole of a city or village lot with the erections and improvements thereon. [*Amended by L.* 1913, *ch.* 221, *in effect April* 5, 1913.]

§ 464. When owner's consent necessary. The following property cannot be acquired without the consent of the owner:

1. A homestead occupied as such by the owner, except such portion thereof as may appear to the court to be unnecessary for the reasonable use and enjoyment of the homestead.

2. A garden, orchard or any part thereof, not within a city, which has existed for a period of one year prior to the beginning of the condemnation proceedings.

3. A yard or inclosure, or any part thereof, necessary to the use or enjoyment of buildings.

4. Fixtures or erections for the purpose of trade or manufacture, which have existed for a period of one year prior to the beginning of the condemnation proceedings. [*Amended by L.* 1911, *ch.* 782.]

§ 465. Vesting of title of lands in certain cases. Boards of education in cities of the third class are hereby clothed with all the powers of trustees, and the title to any and all lands acquired in any city under the provisions of section four hundred and sixty-three of this chapter shall vest in the board of education thereof, or such other corporate body as is by law vested with the title to the school lands in such city. But nothing herein contained shall be construed to limit or circumscribe the powers and duties heretofore lodged in such board of education by law.

§ 466. Application to certain districts. The provision of section four hundred and sixty-three of this article

shall apply to union free school districts and to districts organized under special laws; and the trustees of such districts and the boards of education organized under special laws shall be and are hereby clothed with all the powers vested in trustees in the three preceding sections.

§ 467. School taxes and school bonds. 1. A majority of the voters of any school district, present at any annual or special district meeting, duly convened, may authorize such acts and vote such taxes as they shall deem expedient for making additions, alterations, repairs or improvements, to the sites or buildings belonging to the district, or for the purchase of other sites or buildings, or for a change of sites, or for the purchase of land and buildings for agricultural, athletic, playground or social center purposes, or for the erection of new buildings, or for buying apparatus, implements, or fixtures, or for paying the wages of teachers, and the necessary expenses of the school, or for such other purpose relating to the support and welfare of the school as they may, by resolution, approve. [*Subdivision amended by L.* 1913, *ch.* 221, *in effect April* 5, 1913.]

2. On all propositions arising at said meetings involving the expenditure of money, or authorizing the levy of a tax in one sum or by instalments, the vote thereon shall be by ballot, or ascertained by taking and recording the ayes and noes of such qualified voters attending and voting at such meetings; and they may direct the moneys so voted to be levied in one sum, or by instalments.

3. No addition to or change of site or purchase of a new site or tax for the purchase of any new site or structure, or for the purchase of an addition to the site of any schoolhouse, or for the purchase of lands and buildings for agricultural, athletic, playground or social center purposes, or for building any new schoolhouse or for the erection of an addition to any schoolhouse already built, shall be voted at any such meeting in a union free school district unless a notice by the board of education stating that such tax will be proposed, and specifying the object thereof and the amount to be expended therefor, shall have been given in the manner provided herein for the notice of an annual meeting. In a common school district the notice of a special meeting to authorize any of the improvements enumerated in this section shall be given as provided in section one hundred and ninety-seven. [*Subdivision amended by L.* 1913, *ch.* 221, *in effect April* 5, 1913.]

4. And whenever a tax for any of the objects hereinbefore specified shall be legally voted the board of trustees or board of education shall make out their tax list, and attach their warrant thereto, in the manner provided in article fifteen of this chapter, for the collection of school district taxes, and shall cause such taxes or such instalments to be collected at such times as they shall become due.

5. No vote to raise money shall be rescinded, nor the amount thereof be reduced at any subsequent meeting, unless it be an adjourned meeting or a meeting called by regular and legal notice, which shall specify the proposed action, and at which the vote upon said proposed reduction or rescinding shall be taken by ballot or by taking and recording the ayes and noes of the qualified voters attending and voting thereat.

ARTICLE 17
School District Bonds

§ 480. Issuance of school district bonds. 1. For the purpose of giving effect to the provisions of section four hundred and sixty-seven of this chapter, trustees or boards of education are hereby authorized, whenever a tax shall have been voted to be collected in instalments, for the purpose of building a new schoolhouse, or building an addition to a schoolhouse, or making additions, alterations or improvements to buildings or structures belonging to the district or city, or for the purchase of a new site or for an addition to a site, or for the purchase of land or buildings for agricultural, athletic, playground, or social center purposes, to borrow so much of the sum voted as may be necessary, at a rate of interest not exceeding six per centum, and to issue bonds or other evidences of indebtedness therefor, which shall be a charge upon the district, and be paid at maturity, and which shall not be sold below par. [*Subdivision amended by L.* 1913, *ch.* 221, *in effect April* 5, 1913.]

2. Notice of the time and place of the sale of such bonds shall be given by the trustees or board of education at least ten days prior thereto by publication twice in two newspapers, if there be two, or in one newspaper if there be but one published in such district. But if no newspaper shall then be published therein, the said notice shall be posted in at least ten of the most public places in said district ten days before the sale.

3. It shall be the duty of the trustees or the persons having charge of the issue or payment of such indebtedness, to transmit a statement thereof to the clerk of the board of supervisors of the county in which such indebtedness is created, annually, on or before the first day of November.

4. When such bonds are sold by a union free school district whose boundaries are the same as the boundaries of an incorporated village or city, such bonds shall be signed by the president and clerk of the board of education and delivered to the treasurer of such village or city who shall countersign them and give notice of the sale thereof in like manner as is provided for the notice of sale of bonds in subdivision two of this section. The proceeds of the sale of such bonds shall be paid into the treasury of said incorporated village or city, to the credit of the board of education.

5. When such bonds are sold by a common school district the payment or collection of the last instalment shall not be extended beyond twenty years from the time such vote was taken.

6. All of the provisions of the general municipal law relative to the method of the registry of municipal bonds and the conversion of coupon into registered bonds shall apply to bonds issued pursuant to the provisions of this section, except that the duties therein required to be performed by the clerk of a municipal corporation shall be performed by the clerk of the school district. [*Subdivision added by L.* 1914, *ch.* 31, *in effect September* 1, 1914.]

ARTICLE 18
School Moneys

Section 490. When apportioned and how applied.
491. Apportionment of moneys appropriated for the support of common schools.
492. Conditions under which cities and districts are entitled to an apportionment from the appropriation for the support of common schools.
493. Apportionment of moneys appropriated to cities, academies, academic departments and school libraries.
494. Manner of certifying and paying apportionment provided for in preceding section.
495. County treasurers to render annual report.
496. Certificate of apportionment by commissioner of education.

Section 497. Moneys apportioned, when and how payable.
498. Apportionment of school moneys by district superintendents.
499. Duty of and payment to supervisor.
500. Power of comptroller to withhold payment of school moneys.
501. Union free school district and city, a school district.
502. Apportionment for support of training classes.

§ 490. When apportioned and how applied. The amount annually appropriated by the legislature for the support of common schools shall be apportioned by the commissioner of education on or before the twentieth day of January in each year as hereinafter provided; and all moneys so apportioned shall be applied exclusively to the payment of teachers' salaries.

§ 491. Apportionment of moneys appropriated for the support of common schools. After setting apart therefrom for a contingent fund not more than ten thousand dollars, the commissioner of education shall apportion the money appropriated for the support of common schools:

1. To each city and to each union school district which has a population of five thousand and which employs a superintendent of schools, eight hundred dollars. This shall be known as a supervision quota.

2. To each district having an assessed valuation of twenty thousand dollars or less, two hundred dollars.

3. To each district having an assessed valuation of forty thousand dollars or less, but exceeding twenty thousand dollars, one hundred and seventy-five dollars.

4. To each district having an assessed valuation of sixty thousand dollars or less, but exceeding forty thousand dollars, and to each Indian reservation for each teacher employed therein for a period of one hundred and sixty days or more, one hundred fifty dollars.

5. To each of the orphan asylums which meet the conditions mentioned in article thirty-five of this chapter, one hundred and twenty-five dollars.

6. To each of the remaining districts and to each of the cities in the state one hundred twenty-five dollars. The apportionment provided for by subdivisions two, three, four, five and six shall be known as district quotas.

7. To each such district, city and orphan asylum for each additional qualified teacher and his successors by whom the common schools have been taught during the period of time required by law, one hundred dollars. The apportionment provided for by this subdivision shall be known as the teacher's quota.

8. To a school district which has failed to maintain school for one hundred sixty days or which has employed an extra teacher for a shorter period than one hundred sixty days such part of a district or teacher's quota as seems to him equitable when the reason for such failure is in his judgment sufficient to warrant such action.

9. To each separate neighborhood such sum as in his opinion it is equitably entitled to receive upon the basis of distribution established by this article.

10. All errors or omissions in the apportionment whether made by the commissioner of education or by the school commissioner shall be corrected by the commissioner of education. Whenever a school district has been apportioned less money than that to which it is entitled the commissioner of education may allot to such district the balance to which it is in his judgment entitled and the same shall be paid from the contingent fund. Whenever a school district has been apportioned more money than that to which it is entitled the commissioner of education may, by an order under his hand, direct such moneys to be paid back into the hands of the county treasurer by him to be credited to the school fund, or he may deduct such amount from the next apportionment to be made to said district.

11. The commissioner of education may also in his discretion excuse the default of a trustee or a board of education in employing a teacher not legally qualified, legalize the time so taught and authorize the payment of the salary of such teacher.

§ 492. Conditions under which cities and districts are entitled to an apportionment from the appropriation for the support of common schools. 1. The commissioner of education shall make no allotment of a supervision quota to any city or district unless satisfied that such city or district employs a competent superintendent whose time is exclusively devoted to the supervision of the public schools of such city or district; nor shall he make any allotment to any district in the first instance without first causing an enumeration of the inhabitants to be made which shall show the population

thereof to be at least five thousand, the expense of such enumeration, as certified by said commissioner, shall be paid by the district in whose interest it is made. The population shown by the last state or federal census or village enumeration may be accepted by said commissioner whenever the village and school district boundaries coincide.

2. No district shall be entitled to any portion of such school moneys on such apportionment unless the report of the trustees for the preceding school year shall show that a common school was supported in the district and taught by a qualified teacher or by successive qualified teachers for at least one hundred and eighty days, inclusive of legal holidays that may have occurred during the term of said school and exclusive of Saturdays. [*Subdivision amended by L.* 1913, *ch.* 511, *in effect May* 14, 1913.]

3. No Saturday shall be counted as part of said one hundred and eighty days of school and no school shall be in session on a legal holiday, except general election day, Washington's birthday and Lincoln's birthday. A deficiency not exceeding six days during any school year caused by a teacher's attendance upon teachers conferences held by district superintendents of schools within a county, shall be excused by the commissioner of education. In common school districts the term of school shall begin each year on the first Tuesday of September. [*Subdivision amended by L.* 1913, *ch.* 511, *in effect May* 14, 1913.]

§ 493. Apportionment of moneys appropriated to cities, academies, academic departments and school libraries. The commissioner of education shall apportion the money annually appropriated for the support of cities, academies, academic departments and school libraries in accordance with regulations established or to be established by him as follows:

1. To each city, union school district and nonsectarian academy maintaining an academic department, a quota of one hundred dollars for each such academic department maintained therein. This apportionment shall be known as the academic quota.

2. To each nonsectarian private academy an allowance equal to the amount raised from local sources but not to exceed two hundred fifty dollars annually for approved books, reproductions of standard works of art, and apparatus. [*Subdivision amended by L.* 1914, *ch.* 216, *in effect April* 7, 1914.]

3. To each city an allowance equal to the amount raised from local sources but not to exceed eighteen dollars and two dollars

additional for each duly licensed teacher employed therein for the legal term, and two hundred fifty dollars for each academic department maintained by it for approved books, reproductions of standard works of art and apparatus. [*Subdivision amended by L.* 1914, *ch.* 216, *in effect April* 7, 1914.]

4. To each union free school district maintaining an academic department an allowance equal to the amount raised from local sources, but not to exceed two hundred sixty-eight dollars annually and two dollars additional for each teacher employed in said district for the legal term for approved books, reproductions of standard works of art and apparatus. [*Subdivision amended by L.* 1914, *ch.* 216, *in effect April* 7, 1914.]

5. To all other school districts an allowance equal to the amount raised from local sources but not to exceed eighteen dollars annually and two dollars additional for each duly licensed teacher employed in said district for the legal term for approved books, reproductions of standard works of art, geographical maps, a globe and school apparatus. [*Subdivision amended by L.* 1914, *ch.* 216, *in effect April* 7, 1914.]

6. To each city and union school district maintaining an academic department, twenty dollars per year for at least thirty-two weeks' instruction or a proportionate amount if for eight weeks or more for each nonresident pupil attending the academic department of such school from districts not maintaining such academic departments and who shall be admitted to such academic departments without other expense for tuition than that provided herein. But pupils residing in districts not maintaining a four-year curriculum may be included in this apportionment after having completed the course of study prescribed for the school in the district in which they reside. In the apportionment to cities and union school districts whose customary charge for nonresident pupils is greater than the sum provided by this subdivision, the Commissioner of Education may permit the sum so apportioned to be applied upon such customary charge for such nonresident pupils, provided the balance of such customary charge shall be assumed by the school district in which such nonresident pupil is resident, and the payment thereof shall have been provided for at a school district meeting held in such district or the said balance shall have been paid by the parents or guardians of such pupils to the proper officer of the city or district maintaining the high school or academic department attended by such pupils. [*Subdivision*

amended by L. 1912, *ch.* 276; *L.* 1913, *ch.* 399; *and L.* 1915, *ch.* 214, *in effect April* 5, 1915.]

7. After the payment of the allowances herein provided for the balance shall be divided among the several cities, school districts and academies maintaining academic departments on the basis of aggregate days' attendance of academic pupils therein.

8. The commissioner shall set aside at the beginning of the fiscal year a sum which in his opinion will be sufficient to pay the allowances for books and apparatus herein provided before making the other apportionments as directed by this article. The allowance for books and apparatus shall be apportioned and paid as often during each year as the commissioner may determine. All other apportionments above provided for shall be made so far as possible during the month of October each year on the basis of the reports of the previous year.

9. To entitle a city, academy, academic department or school library to an apportionment from this fund the school authorities having control must render a satisfactory report for the preceding year to the commissioner of education before the twentieth day of September in each year unless such neglect is excused by the commissioner for sufficient reason. They must also have complied with all regents' laws and ordinances during the preceding academic year.

§ 494. Manner of certifying and paying apportionment provided for in preceding section. Payment from this fund shall be made to the county treasurer of each county for all schools located in such county, by the state treasurer on the warrant of the comptroller or the certificate of the commissioner of education. The commissioner of education immediately after making an apportionment shall certify, or cause to be certified, to the county treasurer of every county included in such apportionment, excepting those counties included within the territory of the city of New York, with respect to his county, the name of each academy, the number of each school district and the town in which it is situated and the name of each city to which money has been allotted and the amount allotted to each. The county treasurer shall, upon the receipt of such certificate and payment from the state treasurer, pay to the treasurer, if there be one, otherwise to the disbursing officer or collector of each school district, academy and city named in the certificate of the commissioner of education, the amount to which said district, academy

or city is entitled as shown by such certificate. Any apportionment which shall be made to the city of New York shall be certified and paid to the chamberlain of the city of New York, and any apportionment which shall be made to any private academy situated within the territory of the city of New York, shall be certified and paid directly to the disbursing officer of the academy to which the apportionment is made. [*Amended by L.* 1912, *ch.* 77.]

§ 495. County treasurers to render annual report. The county treasurers of the state shall, upon the first day of October of each year and at such other times as the commissioner of education may require, make a report for the preceding year to the commissioner of education, showing the amount of money received by them from this fund and the school districts, cities or academies to which such money has been paid and the amount paid to each, and the amount, if any, remaining in their hands unclaimed by any school district, city or academy together with any other fact relative to the disbursement of this fund which said commissioner may require.

§ 496. Certificate of apportionment by commissioner of education. As soon as possible after the making of any annual or general apportionment, the commissioner of education shall certify it, or cause it to be certified, to the county clerk, county treasurer, district superintendents, and city treasurer or chamberlain, in every county in the state; and if it be a supplemental apportionment, then to the county clerk, county treasurer and district superintendents of the county in which the school-house of the district concerned is situated. [*Amended by L.* 1912, *ch.* 77.]

§ 497. Moneys apportioned, when and how payable. At least one-half of the moneys so annually apportioned by the commissioner of education shall be payable on or before the first day of March and the remaining part of such moneys on or before the fifteenth day of May, in each year, next after such apportionment, to the treasurers of the several counties and the chamberlain of the city of New York, respectively; and the said treasurers and the chamberlain shall apply for and receive the same as soon as payable. The county treasurer shall pay to the city treasurer of each city and the treasurer of each union free school district having a population of five thousand or more inhabitants and in which a superintendent of schools has been ap-

pointed, situated within his county, all school moneys apportioned to such city or district as provided by sections four hundred and ninety-one, four hundred and ninety-two and six hundred and four of this chapter. [*Amended by L.* 1914, *ch.* 52, *in effect March* 18, 1914.]

§ 498. Apportionment of school moneys by district superintendents. The district superintendent of schools shall, on or before the fifteenth day of February in each year, apportion the supervision, district and teachers' quotas to the several districts entitled thereto, within his supervisory district, as shown by the certificate of the commissioner of education to the said district superintendent. He shall procure from the supervisors of the towns in his district a transcript showing the unexpended moneys in their hands applicable to the payment of teachers' salaries. The amounts in each supervisor's hands shall be charged as a partial payment of the sums apportioned to the town teachers' salaries.

He shall procure from the county treasurer a full list and statement of all payments to him of moneys for or on account of fines and penalties, or accruing from any other source, for the benefit of schools and of the towns or districts for whose benefit the same were received. Such of said moneys as belong to a particular district, he shall set apart and credit to it; and such as belong to the schools of a town he shall set apart and credit to the schools in that town, and shall apportion them together with such as belong to the schools of the county as hereinafter provided for the payment of teachers' salaries.

He shall sign, in duplicate, a certificate, showing the amounts apportioned and set apart to each school district and part of a district, and the towns in which they were situated, and shall forthwith deliver one of said duplicates to the treasurer of the county and transmit the other to the commissioner of education.

He shall certify to the supervisor of each town, in his supervisory district the amount of school moneys apportioned to each district or part of a district of his town for teachers' wages. [*Amended by L.* 1913, *ch.* 130, *in effect March* 25, 1913.]

§ 499. Duty of and payment to supervisor. On receiving the certificate of the school commissioners, each supervisor shall forthwith make a copy thereof for his own use, and deposit the original in the office of the clerk of his town; and the moneys so apportioned to his town shall be paid to him imme-

diately on his compliance with the requirements of section three hundred and sixty-three of this chapter.

§ 500. Power of comptroller to withhold payment of school moneys. The comptroller may withhold the payment of any moneys to which any county may be entitled from the appropriation of the incomes of the school fund and the United States deposit fund for the support of common schools, until satisfactory evidence shall be furnished to him that all moneys required by law to be raised by taxation upon such county, for the support of schools throughout the state, have been collected and paid or accounted for to the state treasurer.

§ 501. Union free school district and city, a school district. Every union free school district and every city having an organized city system of schools shall, for all the purposes of the apportionment, distribution, payment and withholding of school moneys, be regarded and recognized as a school district.

§ 502. Apportionment for support of training classes. The commissioner of education shall apportion the money annually appropriated for the support of training of teachers as follows:

1. To each academy and union free school district which has maintained a training class in accordance with the provisions of article thirty-one of this chapter and with the regulations prescribed by the commissioner of education, the sum of seven hundred dollars.

2. The balance of the money appropriated for such purpose shall be apportioned to the cities of the state which maintain training schools in accordance with the provisions of articles twenty and thirty-one of this chapter and with the regulations prescribed by the commissioner of education, ratably according to the aggregate attendance of the pupils regularly admitted to such training schools.

ARTICLE 19
Trusts for Schools; Gospel and School Lots

Section 520. Property to be held in trust for common schools.
521. Control and supervision of trusts for common schools.
522. Report of trusts to commissioner of education.
523. Report of supervisor regarding gospel or school lots.
524. Apportionment of gospel funds.

Section 525. Authorization of apportionment of gospel funds.
526. Payment of apportionment of gospel funds.
527. Bond required of collector or treasurer.
528. Application of moneys.

§ 520. Property to be held in trust for common schools. Real and personal estate may be granted, conveyed, devised, bequeathed and given in trust and in perpetuity or otherwise, to the state, or to the regents or to the commissioner of education for the support or benefit of the common schools, within the state, or within any part or portion of it, or of any particular common schools within it; and to any county, or the school commissioners of any county, or to any city or any board of officers thereof, or to any school commissioner district or its commissioner, or to any town, or supervisor of a town, or to any school district or its trustees, for the support and benefit of common schools within such county, city, school commissioner district, town or school district, or within any part or portion thereof respectively, or for the support and benefit of any particular common schools therein. No such grant, conveyance, devise or bequest shall be held void for the want of a named or competent trustee or donee, but where no trustee or donee, or an incompetent one is named, the title and trust shall vest in the people of the state, subject to its acceptance by the legislature, but such acceptance shall be presumed.

§ 521. Control and supervision of trusts for common schools. The legislature may control and regulate the execution of all such trusts; and the commissioner of education shall supervise and advise the trustees, and hold them to a regular accounting for the trust property and its income and interest at such times, in such forms, and with such authentications, as he shall, from time to time, prescribe.

§ 522. Report of trusts to commissioner of education. The common council of every city, the board of supervisors of every county, the trustees of every village, the supervisor of every town, the trustees of every school district, and every other officer or person who shall be thereto required by the commissioner of education shall report to him whether any, and if any, what trusts are held by them respectively, or by any other body, officer or person to their information or belief for school purposes, and shall transmit, therewith, an authenticated copy of every will, conveyance, instrument or paper embodying or creating the

trust; and shall, in like manner, forthwith report to him the creation and terms of every such trust subsequently created.

§ 523. Report of supervisor regarding gospel or school lots. Every supervisor of a town shall report to the commissioner of education whether there be, within the town, any gospel or school lot, and, if any, shall describe the same, and state to what use, if any, it is put by the town; and whether it be leased, and, if so, to whom, for what term and upon what rents; and whether the town holds or is entitled to any land, moneys or securities arising from any sale of such gospel or school lot, and the investment of the proceeds thereof, or of the rents and income of such lots and investments, and shall report a full statement and account of such lands, moneys and securities.

§ 524. Apportionment of gospel funds. It shall be lawful for the supervisor of any town having money arising from the sale of gospel lands, and known as gospel funds, to apportion such funds among the several school districts of his respective town as hereinafter provided.

§ 525. Authorization of apportionment of gospel funds. 1. The town board of any town having a gospel fund of five hundred dollars or less may authorize the supervisor of the town to apportion such fund among the several school districts of the town.

2. The voters of any town having a gospel fund of more than five hundred dollars may at any regular or special town meeting authorize the supervisor of the town to apportion such fund among the several school districts of the town.

§ 526. Payment of apportionment of gospel funds. When such apportionment is authorized the supervisor shall pay to the collector, or if the district has a treasurer to the treasurer, of the several school districts of his town its pro rata share according to the aggregate school attendance of each school district in the preceding year.

§ 527. Bond required of collector or treasurer. The collector or the treasurer if the district has a treasurer, of each of such school districts shall execute and file with the supervisor of such town a bond of twice the amount of such apportionment with sufficient sureties, to be approved by such supervisor.

§ 528. Application of moneys. Such moneys shall be held by such collector or treasurer and paid upon the written order of the trustee of the district for such purposes as the annual or a special meeting of the district shall direct.

ARTICLE 20
Teachers and Pupils

Section 550. Qualification of teachers.
551. Minimum qualifications of teachers in primary and grammar schools.
552. Regulations governing certification of teachers.
553. Commissioner of education to issue certificates.
554. Endorsement of foreign certificates and diplomas.
555. Certification of teachers by local authorities.
556. Revocation of certificate by school commissioner.
557. Unqualified teachers shall not be paid from school moneys.
558. Penalty for payment of unqualified teacher.
559. Teachers responsible for record books.
560. Verification of school register.
561. Contract with teacher.
562. Penalty for teachers' failure to complete contract.
563. Contract when teacher is related to trustee or member of board.
564. Individual liability of trustee.
565. Dismissal of teacher.
566. Teacher's salary payable as often as monthly.
567. Common schools free to resident pupils; tuition from nonresident pupils.

§ 550. Qualification of teachers. No person shall be employed or authorized to teach in the public schools of the state who is:

1. Under the age of eighteen years; and,

2. Not in possession of a teacher's certificate issued under the authority of this chapter or a diploma issued on the completion of a course in a state normal school of this state or in the state normal college.

§ 551. Minimum qualifications of teachers in primary and grammar schools. No person shall hereafter be employed or licensed to teach in the primary and grammar schools of any city or school district authorized by law to employ a superintendent of schools who has not had successful experience in teaching for at least three years, or in lieu thereof has not completed:

1. A course in one of the state normal schools of this state prescribed by the commissioner of education.

2. An examination for and received a life state certificate issued in this state by a superintendent of public instruction or the commissioner of education.

3. A course of study in a high school or academy of not less than three years approved by the commissioner of education or from some institution of learning of equal or higher rank approved by the same authority, and who subsequently to the completion of such course has not graduated from a school for the professional training of teachers having a course of not less than two years approved by the commissioner of education or its equivalent.

§ 552. Regulations governing certification of teachers. The commissioner of education shall prescribe, subject to approval by the regents, regulations governing the examination and certification of teachers employed in all public schools of the state.

§ 553. Commissioner of education to issue certificates. The commissioner of education may issue:

1. A life state certificate upon examinations only which shall entitle its holder to teach for life in the public schools of the state without further examination.

2. Such other certificates as regents general rules shall prescribe.

3. A temporary license limited to a school district, school commissioner district or city for a period not to exceed one year.

§ 554. Endorsement of foreign certificates and diplomas. The commissioner of education may in his discretion endorse:

1. A diploma issued by a normal school of another state.

2. A certificate issued by the chief educational officer or state board of another state.

Such endorsement confers on the holder of such diploma or certificate the privileges conferred by law on the holder of a normal school diploma or state certificate issued in this state.

§ 555. Certification of teachers by local authorities. A school commissioner, a city superintendent of schools or such other authority of a city as may be designated by a special act or the city charter may issue such certificate as may be authorized by the regents general rules or by such special act or city charter.

§ 556. Revocation of certificate by school commissioner. A school commissioner shall examine any charge affecting the moral character of any teacher within his district, first giving such teacher reasonable notice of the charge, and an opportunity to defend himself therefrom; and if he find the charge sustained, he shall annul the teacher's certificate, by whomsoever granted, and declare him unfit to teach; and if the teacher holds a certificate of the commissioner of education or of a former superintendent of public instruction or a diploma of a state normal school, he shall notify the commissioner of education forthwith of such annulment and declaration.

§ 557. Unqualified teachers shall not be paid from school moneys. No part of the school moneys apportioned to a district shall be applied to the payment of the salary of an unqualified teacher, nor shall his salary, or any part thereof, be collected by a district tax except as provided in section four hundred and ninety-one of this chapter.

§ 558. Penalty for payment of unqualified teacher. Any trustee who applies, or directs, or consents to the application of any district money to the payment of an unqualified teacher's salary, thereby commits a misdemeanor; and any fine imposed upon him therefor shall be for the benefit of the common schools of the district.

§ 559. Teachers responsible for record books. Teachers shall keep, prepare and enter in the books provided for that purpose, the school lists and accounts of attendance herein mentioned, and shall be responsible for their safekeeping and delivery to the clerk of the district at the close of their engagements or terms.

§ 560. Verification of school register. 1. Each teacher shall, by his oath or affirmation, verify his entries in the school register provided by the education department, and the entries shall constitute the school lists from which the average daily attendance shall be determined. Such oath or affirmation may be taken by the district clerk or trustee, but without charge.

2. A teacher shall not be entitled to his salary for the last month of a term until he shall have so made and verified such entries and the trustees shall not draw on the supervisor, collector or treasurer for any portion of his salary for such month until such oath or affirmation shall have been made.

§ 561. Contract with teacher. 1. All trustees of school districts or boards of education who shall employ any teacher to teach shall, at the time of such employment, make and deliver to such teacher, or cause to be made and delivered, a contract in writing, signed by them, or by some person duly authorized to represent them in the premises, in which the details of the agreement between the parties, and particularly the length of the term of employment, the amount of compensation and the time when such compensation shall be due and payable shall be clearly and definitely set forth.

2. No contract for the employment of a teacher in a district having three or more trustees shall be made for more than one year in advance or for a shorter time than ten weeks unless for the purpose of filling out an unexpired term of school.

3. No contract for the employment of a teacher in a district having a sole trustee shall be made to extend beyond the date of the expiration of the term of office of such trustee. A sole trustee of a school district shall have full power and authority to contract with teachers for the term for which he has been elected any time after the date of the annual meeting at which such trustee was elected.

4. Nor shall any trustee contract with any teacher whose certificate of qualifications shall not cover a period at least as long as that covered by the contract of service. (*Thus amended by L.* 1910, *ch.* 442, *in effect September* 1, 1910.)

§ 562. Penalty for teacher's failure to complete contract. Any failure on the part of a teacher to complete an agreement to teach a term of school without good reason therefor shall be deemed sufficient ground for the revocation of the teacher's certificate.

§ 563. Contract when teacher is related to trustee or member of board. 1. No person who is related to any trustee by blood or marriage shall be employed as a teacher, except with the approval of two-thirds of the voters of such district present and voting upon the question at an annual or special meeting of the district.

2. No person who is related by blood or marriage to any member of a board of education shall be employed as a teacher by such board, except upon the consent of two-thirds of the members thereof to be determined at a board meeting and to be entered upon the proceedings of the board.

§ 564. Individual liability of trustee. Any person employed in disregard of section five hundred and sixty-one or of section five hundred and sixty-three shall have no claim for wages against the district, but may enforce the specific contract made against the trustees or board of education consenting to such employment as individuals.

§ 565. Dismissal of teacher. No teacher shall be removed during a term of employment unless for neglect of duty, incapacity to teach, immoral conduct, or other reason which, when appealed to the commissioner of education, shall be held by him sufficient cause for such dismissal.

§ 566. Teacher's salary payable as often as monthly. The salary of any teacher employed in the public schools of this state shall be due and payable at least as often as at the end of each calendar month of the term of employment.

§ 567. Common schools free to resident pupils; tuition from nonresident pupils. 1. A person over five and under twenty-one years of age is entitled to attend the public schools maintained in the district or city in which such person resides without the payment of tuition.

2. Nonresidents of a district, if otherwise competent, may be admitted into the school of a district or city, upon the consent of the trustees, or the board of education, upon terms prescribed by such trustees or board.

3. The school authorities of a district or city must deduct from the tuition of a nonresident pupil whose parent or guardian owns property in such district or city and pays a tax thereon for the support of the schools maintained in such district or city the amount of such tax.

ARTICLE 20-a

[*Article added by L.* 1913, *ch.* 627, *in effect August* 1, 1913.]

Medical Inspection

Section 570. Medical inspection to be provided.
571. Employment of medical inspectors.
572. Pupils to furnish health certificates.
573. Examinations by medical inspectors.
574. Record of examinations; eye and ear tests.

575. Existence of contagious diseases; return after illness.
576. Enforcement of law.
577. State medical inspection of schools.

§ 570. Medical inspection to be provided. Medical inspection shall be provided for all pupils attending the public schools in this state, except in cities of the first class, as provided in this article. Medical inspection shall include the services of a trained registered nurse, if one is employed, and shall also include such services as may be rendered as provided herein in examining pupils for the existence of disease or physical defects and in testing the eyes and ears of such pupils. [*Added by L.* 1913, *ch.* 627, *in effect August* 1, 1913.]

§ 571. Employment of medical inspectors. The board of education in each city and union free school district, and the trustee or board of trustees of a common school district, shall employ, at a compensation to be agreed upon by the parties, a competent physician as a medical inspector, to make inspections of pupils attending the public schools in the city or district. If appointed by a board of education of a city such physician shall reside within the city. The physicians so employed shall be legally qualified to practice medicine in this State, and shall have so practiced for a period of at least two years immediately prior to such employment. Any such board or trustees may employ one or more school nurses, who shall be registered trained nurses and authorized to practice as such. Such nurses when so employed shall aid the medical inspector of the district and shall perform such duties for the benefit of the public schools as may be prescribed by such inspector.

A medical inspector or school nurse may be employed by the trustees or boards of education of two or more school districts, and the compensation of such inspector, and the expenses incurred in making inspections of pupils as provided herein, shall be borne jointly by such districts, and be apportioned among them according to the assessed valuation of the taxable property therein.

In cities and union free school districts having more than five thousand inhabitants, the board of education may employ such additional medical inspectors as may be necessary to properly inspect the pupils in the school in such cities and union free school district.

The trustees of a common school district or the board of education of a union free school district whose boundaries are coterminous with the boundaries of an incorporated village shall, in the employment of medical inspectors, employ the health officer of the town in which such common school district is located or the health officer of such union free school district, so far as may be advantageous to the interests of such district. [*Added by L.* 1913, *ch.* 627; *as amended by L.* 1619, *ch.* 182, *in effect April* 11, 1916.]

§ 572. Pupils to furnish health certificates. A health certificate shall be furnished by each pupil in the public schools upon his entrance in such schools, and thereafter at the opening of such schools at the beginning of each school year. Each certificate shall be signed by a duly licensed physician who is authorized to practise medicine in this state, and shall describe the condition of the pupil when the examination was made, which shall not be more than thirty days prior to the presentation of such certificate, and state whether such pupil is in a fit condition of bodily health to permit his or her attendance at the public schools. Such certificate shall be submitted within thirty days to the principal or teacher having charge of the school and shall be filed with the clerk of the district. If such pupil does not present a health certificate as herein required, the principal or teacher in charge of the school shall cause a notice to be sent to the parents of such pupil that if the required health certificate is not furnished within thirty days from the date of such notice, an examination will be made of such pupil as provided herein. [*Added by L.* 1913, *ch.* 627, *in effect August* 1, 1913.]

§ 573. Examinations by medical inspectors. Each principal or teacher in charge of a public school shall report to the medical inspector having jurisdiction over such school the names of all pupils who have not furnished health certificates as provided in the preceding section, and the medical inspector shall cause such pupils to be separately and carefully examined and tested to ascertain whether any of them are suffering from defective sight or hearing, or from any other physical disability tending to prevent them from receiving the full benefit of school work, or requiring a modification of such work to prevent injury to the pupils or to receive the best educational results. If it be ascertained upon such test or examination that any of such pupils are inflicted with defective sight or hearing or other physical disability as above described the principal or teacher, having charge

of such school, shall notify the parents or other persons with whom such pupils are living, as to the existence of such defects and physical disability. If the parents or guardians are unable or unwilling to provide the necessary relief and treatment for such pupils, such fact shall be reported by the principal or teacher to the medical inspector, whose duty it shall be to provide relief for such pupils. [*Added by L.* 1913, *ch.* 627, *in effect August* 1, 1913.]

§ 574. Record of examinations; eye and ear tests. Medical inspectors or principals and teachers in charge of public schools shall make eye and ear tests of the pupils in such schools, at least once in each school year. The state commissioner of health shall prescribe the method of making such tests, and shall furnish general instruction in respect to such tests. The commissioner of education, after consultation with the state commissioner of health, shall prescribe and furnish to the school authorities suitable rules of instruction as to tests and examinations made as provided in this article, together with test cards, blanks, record books and other useful appliances for carrying out the purposes of this article. The commissioner of education shall provide for pupils in the normal schools, city training schools and training classes instruction and practice in the best methods of testing the sight and hearing of children. [*Added by L.* 1913, *ch.* 627, *in effect August* 1, 1913.]

§ 575. Existence of contagious diseases; return after illness. Whenever upon investigation a pupil in the public schools shows symptoms of smallpox, scarlet fever, measles, chickenpox, tuberculosis, diphtheria, influenza, tonsilitis, whooping cough, mumps, scabies or trachoma, he shall be excluded from the school and sent to his home immediately, in a safe and proper conveyance, and the health officer of the city or town shall be immediately notified of the existence of such disease. The medical inspector shall examine each pupil returning to a school without a certificate from the health officer of the city or town, or the family physician, after absence on account of illness or from unknown cause.

Such medical inspectors may make such examinations of teachers, janitors and school buildings as in their opinion the protection of the health of the pupils and teachers may require. [*Added by L.* 1913, *ch.* 627, *in effect August* 1, 1913.]

§ 576. Enforcement of law. It shall be the duty of the

commissioner of education to enforce the provisions of this article, and he may adopt such rules and regulations not inconsistent herewith, after consultation with the state commissioner of health, for the purpose of carrying into full force and effect the objects and intent of this article.

He may, in his discretion, withhold the public money from a district which wilfully refuses or neglects to comply with this article, and the rules and regulations made hereunder. [*Added by L.* 1913, *ch.* 627, *in effect August* 1, 1913.]

§ 577. State medical inspection of schools. The commissioner of education shall appoint a competent physician who has been in the actual practice of his profession for a period of at least five years, as state medical inspector of schools. The state medical inspector of schools, under the supervision of the commissioner of education, shall perform such duties as may be required for carrying out the provisions of this article. The said medical inspector shall be appointed in the same manner as other employees of the education department. [*Added by L.* 1913, *ch.* 627, *in effect August* 1, 1913.]

ARTICLE 21
Contract System

Section 580. District meeting to authorize contract system.
581. District or city with which such contract may be made.
582. Trustees or boards of education may contract to receive such children.
583. Form of contract.
584. Validity of contract.
585. Apportionment to contracting district.
586. Report of pupils from other districts.

§ 580. District meeting to authorize contract system. Any school district may decide by a majority vote of the qualified voters present and voting at any district meeting:

1. To contract for the education of all the children of such district in another district or in a city instead of maintaining a home school;

2. To contract for the education of part of the children of such district in another district or in a city and maintain a home school.

§ 581. District or city with which such contract may be made. 1. Such contract may be made with one or more districts or cities. The district meeting authorizing such contract may designate the districts or cities with which such contracts may be made.

2. If the district meeting fails to make such designation or if any district or city so designated refuses to make such contract, the trustees of the district authorizing such contract may enter into a contract with a district willing to make such contract.

§ 582. Trustees or boards of education may contract to receive such children. The trustees or board of education of any district or city may enter into a contract to receive and educate in the schools of such district or city the children of any district which shall authorize its trustees to contract for the education of its children as provided by section five hundred and eighty of this chapter.

§ 583. Form of contract. Such contract shall be written and in the form prescribed by the commissioner of education.

§ 584. Validity of contract. Such contract shall not be valid or binding upon either party thereto until a copy thereof is filed with the commissioner of education and approved by such commissioner.

§ 585. Apportionment to contracting district. 1. Whenever the period of time which a district contracts for the education of its children or such period together with the time school is actually taught in said district shall amount to one hundred and sixty days and the contract shall include all the children of school age in such district, such district shall be entitled to receive one district quota.

2. Whenever a district maintains a home school and contracts for the education of at least twelve of its children in another district or city, it shall be entitled to one teacher's quota in addition to its district quota.

3. No school district operating under the contract system shall receive a greater apportionment than the total expense incurred in payment of tuition and transportation of pupils as shown by the report of the trustee to the school commissioner.

4. Whenever a district contracts with another district or a city and such district or city maintains a high school or an academic department, and whenever the expense of the tuition and transportation for the elementary children of said district shall exceed

two hundred and fifty dollars, the tuition of the academic pupils attending such high school or academic pupils from such contracting district may be paid by the state as provided by section four hundred and ninety-three of this chapter. [*Subdivision added by L.* 1915, *ch.* 194, *in effect April* 3, 1915.]

§ 586. Report of pupils from other districts. The children attending a school under any such contract shall be reported to the commissioner of education by the trustees or board of education of the district or city wherein such children attend school as though they were residents of such city or school district.

ARTICLE 22

General Industrial Schools, Trade Schools, and Schools of Agriculture, Mechanic Arts and Homemaking

Section 600. General industrial schools, trade schools, and schools of agriculture, mechanic arts and homemaking, may be established in cities
601. Such schools may be established in union free school districts.
602. Appointment of an advisory board.
603. Authority of the board of education over such schools.
604. State aid for general industrial schools, trade schools, and schools of agriculture, mechanic arts and home making.
605. Application of such moneys.
606. Annual estimate by board of education and appropriations by municipal and school districts.
607. Courses in schools of agriculture for training of teachers.

§ 600. General industrial schools, trade schools and schools of agriculture, mechanic arts and homemaking, may be established in cities. The board of education of any city, and in a city not having a board of education the officer having the management and supervision of the public school system, may establish, acquire, conduct and maintain as a part of the public school system of such city the following:

1. General industrial schools open to pupils who have completed the elementary school course or who have attained the age of fourteen years, and

2. Trade schools open to pupils who have attained the age of sixteen years and have completed either the elementary school course or a course in the above mentioned general industrial school or who have met such other requirements as the local school authorities may have prescribed; and

3. Schools of agriculture, mechanic arts and homemaking, open to pupils who have completed the elementary school course or who have attained the age of fourteen, or who have met such other requirements as the local school authorities may have prescribed; and

4. Part-time or continuation schools in which instruction shall be given in the trades and in industrial, agricultural and homemaking subjects, and which shall be open to pupils over fourteen years of age who are regularly and lawfully employed during a part of the day in any useful employment or service, which subjects shall be supplementary to the practical work carried on in such employment or service.

5. Evening vocational schools in which instruction shall be given in the trades and in industrial, agricultural and homemaking subjects, and which shall be open to pupils over sixteen years of age, who are regularly and lawfully employed during the day and which provide instruction in subjects related to the practical work carried on in such employment; but such evening vocational schools providing instruction in homemaking shall be open to all women over sixteen years of age who are employed in any capacity during the day.

The word "school," as used in this article, shall include any department or course of instruction established and maintained in a public school for any of the purposes specified in this section. [*Amended by L.* 1913, *ch.* 747, *in effect May* 26, 1913.]

§ 601. Such schools may be established in union free school districts. The board of education of any union free school district shall also establish, acquire and maintain such schools for like purposes whenever such schools shall be authorized by a district meeting. The trustee or board of trustees of a common school district may establish a school or a course in agriculture, mechanic arts and homemaking, when authorized by a district meeting. [*Amended by L.* 1913, *ch.* 747, *in effect May* 26, 1913.]

§ 602. Appointment of an advisory board. 1. The board of education in a city and the officer having the management and supervision of the public school system in a city not having a board of education shall appoint an advisory board of five members representing the local trades, industries, and occupations. In the first instance two of such members shall be appointed for a term of one year and three of such members shall be appointed for a term of two years. Thereafter as the terms of such members shall expire the vacancies caused thereby shall be filled for a full term of two years. Any other vacancy occurring on such board shall be filled by the appointing power named in this section for the remainder of the unexpired term.

2. It shall be the duty of such advisory board to counsel with and advise the board of education or the officer having the management and supervision of the public school system in a city not having a board of education in relation to the powers and duties vested in such board or officer by section six hundred and three of this chapter.

§ 603. Authority of the board of education over such schools. The board of education in a city and the officer having the management and supervision of the public school system in a city not having a board of education and the board of education in a union free school district in which city or district a general industrial school, a trade school, a school of agriculture, mechanic arts and homemaking, or a part-time or continuation school, or an evening vocational school is established as provided in this article, is vested with the same power and authority over the management, supervision and control of such school and the teachers or instructors employed therein as such board or officer now has over the schools and teachers under their charge. Such boards of education or such officer shall also have full power and authority:

1. To employ competent teachers or instructors.

2. To provide proper courses of study.

3. To purchase or acquire sites and grounds and to purchase, acquire, lease or construct and to repair suitable shops or buildings and to properly equip the same.

4. To purchase necessary machinery, tools, apparatus and supplies. [*Amended by L.* 1913, *ch.* 747, *in effect May* 26, 1913.]

§ 604. State aid for general industrial schools, trade schools, and schools of agriculture, mechanic arts and homemaking. 1. The commissioner of education

in the annual apportionment of the state school moneys shall apportion therefrom to each city and union free school district for each general industrial school, trade school, part-time or continuation school or evening vocational school, maintained therein for thirty-six weeks during the school year and employing one teacher whose work is devoted exclusively to such school, and having an enrolment of at least fifteen pupils and maintaining an organization and a course of study, and conducted in a manner approved by him, a sum equal to two-thirds of the salary paid to such teacher, but not exceeding one thousand dollars.

2. He shall also apportion in like manner to each city, union free school district or common school district for each school of agriculture, mechanic arts and homemaking, maintained therein for thirty-six weeks during the school year, and employing one teacher whose work is devoted exclusively to such school, and having an enrolment of at least fifteen pupils and maintaining an organization and course of study and conducted in a manner approved by him, a sum equal to two-thirds of the salary paid to such teacher. Such teacher may be employed for the entire year, and during the time that the said school is not open shall be engaged in performing such educational services as may be required by the board of education or trustees, under regulations adopted by the commissioner of education. Where a contract is made with a teacher for the entire year and such teacher is employed for such period, as herein provided, the commissioner of education shall make an additional apportionment to such city or district of the sum of two hundred dollars. But the total amount apportioned in each year on account of such teacher shall not exceed one thousand dollars.

3. The commissioner of education shall also make an additional apportionment to each city and union free school district for each additional teacher employed exclusively in the schools mentioned in the preceding subdivisions of this section for thirty-six weeks during the school year, a sum equal to one-third of the salary paid to each such additional teacher, but not exceeding one thousand dollars for each teacher.

4. The commissioner of education, in his discretion, may apportion to a district or city maintaining such schools or employing such teachers for a shorter time than thirty-six weeks, or for a less time than a regular school day, an amount pro rata to the time such schools are maintained or such teachers are

employed. This section shall not be construed to entitle manual training high schools or other secondary schools maintaining manual training departments, to an apportionment of funds herein provided for.

Any person employed as teacher as provided herein may serve as principal of the school in which the said industrial or trade school or course, or school or course of agriculture, mechanic arts and homemaking, is maintained. [*Amended by L.* 1913, *ch.* 747, *in effect May* 26, 1913.]

§ 605. Application of such moneys. All moneys apportioned by the commissioner of education for schools under this article shall be used exclusively for the payment of the salaries of teachers employed in such schools in the city or district to which such moneys are apportioned. [*Amended by L.* 1913, *ch.* 747, *in effect May* 26, 1913.]

§ 606. Annual estimate by board of education and appropriations by municipal and school districts.

1. The board of education of each city or the officer having the management and supervision of the public school system in a city not having a board of education shall file with the common council of such city, within thirty days after the commencement of the fiscal year of such city, a written itemized estimate of the expenditures necessary for the maintenance of its general industrial schools, trade schools, schools of agriculture, mechanic arts and homemaking, part-time or continuation schools or evening vocational schools, and the estimated amount which the city will receive from the state school moneys applicable to the support of such schools. The common council shall give a public hearing to such persons as wish to be heard in reference thereto. The common council shall adopt such estimate and, after deducting therefrom the amount of state moneys applicable to the support of such schools, shall include the balance in the annual tax budget of such city. Such amount shall be levied, assessed and raised by tax upon the real and personal property liable to taxation in the city at the time and in the manner that other taxes for school purposes are raised. The common council shall have power by a two-thirds vote to reduce or reject any item included in such estimate.

2. The board of education in a union free school district which maintains a general industrial school, trade school, a school of agriculture, mechanic arts and homemaking, part-time or con-

tinuation schools or evening vocational schools, shall include in its estimate of expenses pursuant to the provisions of sections three hundred and twenty-three and three hundred and twenty-seven of this chapter the amount that will be required to maintain such schools after applying toward the maintenance thereof the amount apportioned therefor by the commissioner of education. Such amount shall thereafter be levied, assessed and raised by tax upon the taxable property of the district at the time and in the manner that other taxes for school purposes are raised in such district. [*Amended by L.* 1913, *ch.* 747, *in effect May* 26, 1913.]

§ 607. Courses in schools of agriculture for training of teachers. The state schools of agriculture at Saint Lawrence University, at Alfred University and at Morrisville may give courses for the training of teachers in agriculture, mechanic arts, domestic science or homemaking, approved by the commissioner of education. Such schools shall be entitled to an apportionment of money as provided in section six hundred and four of this chapter for schools established in union free school districts. Graduates from such approved courses may receive licenses to teach argiculture, mechanic arts and homemaking in the public schools of the state, subject to such rules and regulations as the commissioner of education may prescribe.

ARTICLE 22-A

[*Article added by L.* 1915, *ch.* 307, *in effect April* 14, 1915.]

Farm School in Counties

Section 610. Establishment of farm schools.
611. Acquisition of lands and erection of buildings.
612. Board of managers.
613. Powers and duties of board.
614. Powers of superintendent; discipline of school.
615. Course of instruction.
616. State aid.
617. Children admitted to such school.
618. Agreements with parents and guardians to pay expense of maintenance; compulsory support.
619. Maintenance by county.
619-a. Reports to board of supervisors; inspection.
619-b. Powers of commissioner of education and state department of education.

§ 610. Establishment of farm schools. The board of supervisors of any county outside of the city of New York may adopt a resolution by a majority vote of the members of the board establishing a farm school for the purpose of giving instruction in the trades and in industrial, agricultural and homemaking subjects to children of the county not more than eighteen nor less than eight years of age who may be admitted thereto as provided by law.

§ 611. Acquisition of lands and erection of buildings. Upon the adoption of the resolution as provided in the foregoing section the board of supervisors shall purchase land in some conveniently accessible place in the county to be used for the purpose of such school. They may acquire such land by gift, purchase or condemnation. The land when so acquired shall be held in the name of the county for the benefit of such school. Upon the acquisition of such land the board of supervisors shall erect the necessary buildings and suitably equip them for use. Such board may also provide for the improvement of existing buildings and make such repairs and alterations on the buildings upon the land used for the purpose of the school as may be necessary for the maintenance and operation thereof.

§ 612. Board of Managers. The board of managers of such school shall consist of not less than five members and shall be composed of all the city, village and district superintendents of schools of the county in which it is located, in addition to such other members as may be necessary to make a total membership of such board of not less than five. Such additional members of the board shall be appointed by the board of supervisors from the resident taxpayers of the county, who shall serve for terms of four years commencing on the first day of January succeeding their appointment. Such terms shall be so arranged that the terms of no two of the members so appointed shall expire in the same year, and for this purpose the terms of the members first appointed hereunder shall be as follows: In case one member shall be appointed, the term shall be four years, in case two members shall be appointed, the terms shall be four and two years, respectively, in case three members shall be appointed, the terms shall be four, three and two years, and in case four members shall be appointed, the terms shall be four, three, two and one year, respectively, which terms shall commence on the first day of January succeeding their appointment, and their successors

shall be appointed for full terms of four years as above provided. Appointments to fill vacancies shall be for the unexpired portion of the terms. The members of the board shall serve without compensation. They shall receive their necessary expenses incurred in the performance of their duties. The amount of such expenses shall be charged against the county and shall be paid in the same manner as other county charges. The board shall organize by the election of one of its members as chairman and another as secretary.

§ 613. Powers and duties of board. The board of managers of such school shall be responsible for the operation and maintenance of the school; employ a superintendent and such teachers and assistants as may be required for the operation and maintenance of the school when authorized so to do by the board of supervisors of the county; fix the compensation of such superintendent, teachers and assistants within the amount made available therefor by the said board of supervisors; prescribe rules and regulations for the management of the school and for the purpose of carrying into effect the object thereof; provide for the detention, maintenance and instruction of all children who are admitted to the school.

§ 614. Powers of superintendent; discipline of school. The superintendent of the school shall, subject to the regulations of the board of managers:

1. Have the general management of the school and the land, buildings and equipment thereof, and devote his entire time to its affairs;

2. Be responsible for the welfare of pupils of the school and see that the regulations and directions of the board of managers are carried into effect;

3. Supervise and direct the methods of instruction and the performance of duties by the teachers, assistants and employees of such school;

4. Prescribe rules for the government and discipline of the pupils of the school and cause such rules to be enforced;

5. Protect and care for the property of the school;

6. Give special attention to the proper instruction, detention, restraint, discipline, comfort and physical and moral welfare of the pupils of the school, and perform such other duties as may be required of him by the board of managers, with a view of carrying out the purposes of this article.

§ 615. Course of instruction. The board of managers shall prescribe the courses of instruction to be followed in such school, subject to the approval of the commissioner of education. Such instruction shall include instruction in agriculture, mechanic arts, trades and homemaking. The provisions of this chapter and of the regulations of the education department relating to vocational instruction in the public schools shall apply to such school so far as they do not conflict with the provisions of this article and may be made applicable thereto.

§ 616. State aid. There shall be annually apportioned to such school from the moneys appropriated by the state legislature for the support of the public schools of the state the sum of one thousand dollars and an additional sum of two hundred dollars for each teacher employed therein for a period of thirty-six weeks during each school year, whose entire time is given to the instruction of pupils in such school. No such apportionment shall be made unless there are at least fifteen pupils enrolled and actually in attendance at such school during such period of thirty-six weeks, and unless such school maintains an organization and a course of study and is conducted in a manner approved by the commissioner of education.

§ 617. Children admitted to such school. Children not more than eighteen nor less than eight years of age may be admitted to or received in such school, either (1) upon the application of the parents or guardians having the legal custody or control of such children, accompanied by the written consent of such parents or guardians, or (2) upon commitment thereto as truants or incorrigible pupils as provided in section six hundred and thirty-five of this chapter, or (3) upon commitment thereto as juvenile delinquents as provided by law, provided that children convicted of crime shall not be committed to such school. Children who have no homes or who are without proper parental control or who are under improper guardianship may be sent to and received in such school, in the same manner and under the same authority as in case of other children who are improperly provided for at home.

§ 618. Agreements with parents and guardians to pay expense of maintenance; compulsory support. The board of managers may make an agreement with the parents or guardian of a child in such school for the payment of an amount therein specified for the instruction and maintenance of such pupil. An application for the admission of a child with

the consent of the parents or guardian shall not be granted unless suitable provision be made for the clothing for such child. The amount agreed to be paid for instruction, maintenance and clothing shall be secured to the satisfaction of the board of managers. Such board shall ascertain by investigation the financial ability of parents, guardians, and other persons legally liable for the support of pupils admitted to such school upon commitment, and may demand of such parents, guardians or persons the payment of an amount reasonably sufficient to pay all or a portion of the cost of the instruction, maintenance and clothing of such pupils. The board may proceed against such parents, guardians or persons, by proper suit or proceeding in a court of competent jurisdiction for the recovery of the amount agreed or required to be paid, as herein provided. The amount so recovered, after the payment of the necessary costs and expenses of such suit or proceeding, shall be paid into the treasury of the county, and shall be applied to the payment of the cost of the instruction, maintenance and clothing of such pupils.

§ 619. Maintenance by county. The board of supervisors shall provide for the maintenance of such school, the repair and improvement of the lands and buildings used or occupied thereby, and the equipment thereof with necessary machinery, tools, apparatus and supplies. The cost thereof, and the expenses incurred for such purposes, shall be charges against the county and shall be audited and paid in the same manner as other charges against the county. The maintenance herein provided for shall include the support, instruction, care, board and clothing of pupils and such other expenses as are necessarily incurred in the operation of the school.

§ 619-a. Reports to board of supervisors; inspection. The board of managers of such school shall report in writing to the board of supervisors of the county when called upon to do so, and shall transmit to the clerk of the board, annually, on or before the thirtieth day of June. Such annual report shall state such facts in respect to the school as the board of managers may deem advisable and as the board of supervisors may require. The board of supervisors may, by a committee or any of its members or appointees, inspect such school, and for such purpose may enter upon the land and into the buildings of such school at all reasonable times.

§ 619-b. Powers of commissioner of education and state department of education. A school established as

provided herein shall be deemed a part of the public school system of the state, and shall be subject to the supervision and control of the commissioner of education and the state department of education in the same manner as other public schools, and shall not be subject to any of the laws of the state relating to charitable or penal institutions.

ARTICLE 23

Compulsory Education

Section 620. Instruction required.
621. Required attendance upon instruction.
622. When a boy is required to attend evening school.
623. Instruction elsewhere than at a public school.
624. Duties of persons in *paternal relation to children.
625. Penalty for failure to perform *paternal duty.
626. Unlawful employment of children and penalty therefor.
627. Employer must display record certificate and evening, part-time or continuation school certificate.
628. Punishment for unlawful employment of children.
629. Teachers must keep record of attendance.
630. School record certificate.
631. Evening, part-time or continuation school certificate.
632. Attendance officers.
633. Arrest of truants.
634. Interference with attendance officer.
635. Truant schools.
636. Enforcement of law and withholding the state moneys by commissioner of education.

§ 620. Instruction required. The instruction required under this article shall be:

1. At a public school in which at least the six common school branches of reading, spelling, writing, arithmetic, English language and geography are taught in English.

2. Elsewhere than a public school upon instruction in the same subjects taught in English by a competent teacher.

* So in original.

§ 621. Required attendance upon instruction. 1. Every child within the compulsory school ages, in proper physical and mental condition to attend school, residing in a city or school district having a population of five thousand or more and employing a superintendent of schools, shall regularly attend upon instruction as follows:

(a) Each child between seven and fourteen years of age shall attend the entire time during which the school attended is in session, which period shall not be less than one hundred and sixty days of actual school.

(b) Each child between fourteen and sixteen years of age not regularly and lawfully engaged in any useful employment or service, and to whom an employment certificate has not been duly issued under the provisions of the labor law, shall so attend the entire time during which the school attended is in session.

2. Every such child, residing elsewhere than in a city or school district having a population of five thousand or more and employing a superintendent of schools, shall attend upon instruction during the entire time that the school in the district shall be in session as follows:

(*a*) Each child between eight and fourteen years of age.

(*b*) Each child between fourteen and sixteen years of age not regularly and lawfully engaged in any useful employment or service. [*Subdivision amended by L.* 1913, *ch.* 511, *in effect May* 14, 1913.]

3. The provisions of this section are intended to include all blind children, except such as may receive appointments under the provisions of article thirty-eight of this chapter. [*Amended by L.* 1911, *ch.* 710.]

§ 622. When a boy is required to attend evening school. 1. Every boy between fourteen and sixteen years of age, in a city of the first class or a city of the second class in possession of an employment certificate duly issued under the provisions of the labor law, who has not completed such course of study as is required for graduation from the elementary public schools of such city, and who does not hold either a certificate of graduation from the public elementary school or the preacademic certificate issued by the Regents or the certificate of the completion of an elementary course issued by the education department, shall attend the public evening schools of such city, or other evening schools offering an equivalent course of instruction, for not

less than six hours each week, for a period of not less than sixteen weeks.

2. When the board of education in a city or district shall have established part-time and continuation schools or courses of instruction for the education of young persons between fourteen and sixteen years of age who are regularly employed in such city or district, said board of education may require the attendance in such schools or on such courses of instruction of any young person in such a city or district who is in possession of an employment certificate duly issued under the provisions of the labor law, who has not completed such courses of study as are required for graduation from the elementary public schools of such city or district, or equivalent courses of study in parochial or other elementary schools, who does not hold either a certificate of graduation from the public elementary school or a preacademic certificate of the completion of the elementary course issued by the education department, and who is not otherwise receiving instruction approved by the board of education as equivalent to that provided for in the schools and courses of instruction established under the provisions of this act. The required attendance provided for in this paragraph shall be for a total of not less than thirty-six weeks per year, at the rate of not less than four and not more than eight hours per week, and shall be between the hours of eight o'clock in the morning and five o'clock in the afternoon of any working day or days.

3. The children attending such part-time or continuation schools as required in paragraph two of this section shall be exempt from the attendance on evening schools required in paragraph one of this section. [*Amended by L.* 1913, *ch.* 748, *in effect May* 26, 1913.]

§ 623. Instruction elsewhere than at a public school. If any such child shall so attend upon instruction elsewhere than at a public school, such instruction shall be at least substantially equivalent to the instruction given children of like age at the public school of the city or district in which such child resides; and such attendance shall be for at least as many hours each day thereof as are required of children of like age at public schools; and no greater total amount of holidays or vacations shall be deducted from such attendance during the period such attendance is required than is allowed in such public school to children of like age. Occasional absences from such attendance, not

amounting to irregular attendance in the fair meaning of the term, shall be allowed upon such excuses only as would be allowed in like cases by the general rules and practice of such public school.

§ 624. Duties of persons in parental relation to children. Every person in parental relation to a child within the compulsory school ages and in proper physical and mental condition to attend school, shall cause such child to attend upon instruction, as follows:

1. In cities and school districts having a population of five thousand or above, every child between seven and sixteen years of age as required by section six hundred and twenty-one of this act unless an employment certificate shall have been duly issued to such child under the provisions of the labor law and he is regularly employed thereunder.

2. Elsewhere than in a city or school district having a population of five thousand or above, every child between eight and sixteen years of age, unless such child shall have received an employment certificate duly issued under the provisions of the labor law and is regularly employed thereunder in a factory or mercantile establishment, business or telegraph office, restaurant, hotel, apartment house or in the distribution or transmission of merchandise or messages, or unless such child shall have received the school record certificate issued under section six hundred and thirty of this act and is regularly employed elsewhere than in the factory or mercantile establishment, business or telegraph office, restaurant, hotel, apartment house or in the distribution or transmission of merchandise or messages.

§ 625. Penalty for failure to perform parental duty. A violation of section six hundred and twenty-four shall be a misdemeanor, punishable for the first offense by a fine not exceeding five dollars, or five days' imprisonment, and for each subsequent offense by a fine not exceeding fifty dollars, or by imprisonment not exceeding thirty days, or by both such fine and imprisonment. Courts of special session and police magistrates shall, subject to removal as provided in sections fifty-seven and fifty-eight of the code of criminal procedure, have exclusive jurisdiction in the first instance to hear, try and determine charges of violations of this section within their respective jurisdictions.

§ 626. Unlawful employment of children and penalty therefor. It shall be unlawful for any person, firm or corporation:

1. To *employe any child under fourteen years of age, in any business or service whatever, for any part of the term during which the public schools of the district or city in which the child resides are in session.

2. To employ, elsewhere than in a city of the first class or a city of the second class, in a factory or mercantile establishment, business or telegraph office, restaurant, hotel, apartment house or in the distribution or transmission of merchandise or messages, any child between fourteen and sixteen years of age who does not at the time of such employment present an employment certificate duly issued under the provisions of the labor law, or to employ any such child in any other capacity who does not at the time of such employment present a school record certificate as provided in section six hundred and thirty of this chapter.

3. To employ any child between fourteen and sixteen years of age in a city of the first class or a city of the second class who does not, at the time of such employment, present an employment certificate, duly issued under the provisions of the labor law.

§ 627. Employer must display record certificate and evening, part-time or continuation school certificate. The employer of any child between fourteen and sixteen years of age in a city or district shall keep and shall display in the place where such child is employed, the employment certificate and also his evening, part-time or continuation school certificate issued by the school authorities of said city or district or by an authorized representative of such school authorities, certifying that the said child is regularly in attendance at an evening, part-time or continuation school of said city as provided in section six hundred and thirty-one of this chapter. [*Amended by L.* 1913, *ch.* 748, *in effect May* 26, 1913.]

§ 628. Punishment for unlawful employment of children. Any person, firm, or corporation, or any officer, manager, superintendent or employee acting therefor, who shall employ any child contrary to the provisions of sections six hundred and twenty-six and six hundred and twenty-seven hereof shall be guilty of a misdemeanor, and the punishment therefor shall be for the first offense a fine of not less than twenty dollars nor more than fifty dollars; for a second and each subsequent offense, a fine of not less than fifty dollars nor more than two

* So in original.

hundred dollars. [*Amended by L.* 1913, *ch.* 748, *in effect May* 26, 1913.]

§ 629. Teachers must keep record of attendance. An accurate record of the attendance of all children between seven and sixteen years of age shall be kept by the teacher of every school, showing each day by the year, month, day of the month and day of the week, such attendance, and the number of hours in each day thereof; and each teacher upon whose instruction any such child shall attend elsewhere than at school, shall keep a like record of such attendance. Such record shall, at all times, be open to the attendance officers or other person duly authorized by the school authorities of the city or district, who may inspect or copy the same; and every such teacher shall fully answer all inquiries lawfully made by such authorities, inspectors, or other persons, and a willful neglect or refusal so to answer any such inquiry shall be a misdemeanor.

§ 630. School record certificate. 1. A school record certificate shall contain a statement certifying that a child has regularly attended the public schools, or schools equivalent thereto, or parochial schools, for not less than one hundred and thirty days during the twelve months next preceding his fourteenth birthday or during the twelve months next preceding his application for such school record, and that he is able to read and write simple sentences in the English language and has received during such period instruction in reading, writing, spelling, English grammar and geography and is familiar with the fundamental operations of arithmetic up to and including fractions, and has completed the work prescribed for the first six years of the public elementary school, or school equivalent thereto, or parochial school, from which such school record is issued. Such record shall also give the date of birth and residence of the child, as shown on the school records, and the name of the child's parents, guardian or custodian. [*Subdivision amended by L.* 1913, *ch.* 101, *in effect October* 1, 1913.]

2. A teacher or superintendent to whom application shall be made for a school record certificate required under the provisions of the labor law shall issue a school record certificate to any child who, after due investigation and examination, may be found to be entitled to the same as follows:

a. In a city of the first class by the principal or chief executive of a school.

b. In all other cities and in school districts having a population of five thousand or more and employing a superintendent of schools, by the superintendent of schools only.

c. In all other school districts by the principal teacher of the school.

d. In each city or school district such certificate shall be furnished on demand to a child entitled thereto or to the board or commissioner of health.

§ 631. Evening, part-time or continuation school certificate. The school authorities in a city or district, or officers designated by them, are hereby required to issue to each child lawfully in attendance at an evening, part-time or continuation school, an evening, part-time or continuation school certificate at least once in each month during the months said evening, part-time or continuation school is in session and at the close of the term of said evening, part-time or continuation school, provided that said child has been in attendance upon said evening school, for not less than six hours each week or upon said part-time or continuation school for not less than four hours each week, for such number of weeks as will, when taken in connection with the number of weeks such evening, part-time or continuation school respectively, shall be in session during the remainder of the current or calendar year, make up a total attendance on the part of said child in said evening school, of not less than six hours per week for a period of not less than sixteen weeks or in said part-time or continuation school, of not less than four hours per week for a period of not less than thirty-six weeks. Such certificate shall state fully the period of time which the child to whom it is issued was in attendance upon such evening, part-time or continuation school. [*Amended by L.* 1913, *ch.* 748, *in effect May* 26, 1913.]

§ 632. Attendance officers. 1. The school authorities of each city, union free school district, or common school district whose limits include in whole or in part an incorporated village, shall appoint and may remove at pleasure one or more attendance officers of such city or district, and shall fix their compensation and may prescribe their duties not inconsistent with this article and make rules and regulations for the performance thereof; and the superintendent of schools shall supervise the enforcement of this article within such city or school district.

2. The town board of each town shall appoint, subject to the

written approval of the school commissioner of the district, one or more attendance officers, whose jurisdiction shall extend over all school districts in said town, and which are not by this section otherwise provided for, and shall fix their compensation, which shall be a town charge; and such attendance officers, appointed by said board, shall be removable at the pleasure of the school commissioner in whose commissioner district such town is situated.

§ 633. Arrest of truants. 1. The attendance officer may arrest without a warrant any child between seven and sixteen years of age who is a truant from instruction upon which he is lawfully required to attend within the city or district of such attendance officer. He shall forthwith deliver the child so arrested to a teacher from whom such child is then a truant, or, in case of habitual and incorrigible truants, shall bring them before a police magistrate for commitment to a truant school as provided in section six hundred and thirty-five.

2. The attendance officer shall promptly report such arrest and the disposition which he makes of such child, to the school authorities of the said city or district where such child is lawfully required to attend upon instruction.

3. A truant officer in the performance of his duties may enter, during business hours, any factory, mercantile or other establishment within the city or school district in which he is appointed and shall be entitled to examine employment certificates or registry of children employed therein on demand.

§ 634. Interference with attendance officer. Any person interfering with an attendance officer in the lawful discharge of his duties and any person owning or operating a factory, mercantile or other establishment who shall refuse on demand to exhibit to such attendance officer the registry of the children employed or the employment certificate of such children shall be guilty of a misdemeanor.

§ 635. Truant schools. 1. The school authorities of any city or school district may establish schools, or set apart separate rooms in public school buildings, for children between seven and sixteen years of age, who are habitual truants from instruction upon which they are lawfully required to attend, or who are insubordinate or disorderly during their attendance upon such instruction, or irregular in such attendance. Such school or room shall be known as a truant school; but no person convicted of crimes or misdemeanors, other than truancy, shall be committed thereto.

2. School authorities may provide for the confinement, maintenance and instruction of such truants in such schools; and they, or the superintendent of schools in any city or school district, may, after reasonable notice to such child and the persons in parental relation to such child, and an opportunity for them to be heard, and with the consent in writing of the persons in parental relation to such child, order such child to attend such school, or to be confined and maintained therein, under such rules and regulations as such authorities may prescribe, for a period not exceeding two years; but in no case shall a child be so confined after he is sixteen years of age.

3. Such authorities may order such a child to be confined and maintained during such period in any private school, orphans' home or similar institution controlled by persons of the same religious faith as the persons in parental relation to such child, and which is willing and able to receive, confine and maintain such child, upon such terms as to compensation as may be agreed upon between such authorities and such private school, orphans' home or similar institution.

4. If the person in parental relation to such child shall not consent to either of such orders said person shall be proceeded against in court under section six hundred and twenty-five of this chapter by the school authorities or such officer as they may designate. In case the person in parental relation to such child establishes to the satisfaction of the court that such child is beyond his control such child shall be proceeded against as a disorderly person, and upon conviction thereof, if the child was lawfully required to attend a public school, the child shall be sentenced to be confined and maintained in such truant school for a period not exceeding two years; or if such child was lawfully required to attend upon instruction otherwise than at a public school, the child may be sentenced to be confined and maintained for a period not exceeding two years in such private school, orphans' home or other similar institutions, if there be one, controlled by persons of the same religious faith as the persons in parental relation to such child, which is willing and able to receive, confine and maintain such child for a reasonable compensation. Such confinement shall be conducted with a view to the improvement and to the restoration, as soon as practicable, of such child to the institution elsewhere, upon which he may be lawfully required to attend.

5. The authorities committing any such child, and in cities and districts having a superintendent of schools such superintendent shall have authority, in his discretion, to parole at any time any truant so committed by them.

6. Every child lawfully suspended from attendance upon instruction for more than one week, shall be required to attend such truant school during the period of such suspension.

7. The school authorities of any city or school district, not having a truant school, may contract with any other city or district having a truant school, for the confinement, maintenance and instruction therein of children whom such school authorities might require to attend a truant school, if there were one in their own city or district.

8. Industrial training shall be furnished in every such truant school.

9. The expense attending the commitment and cost of maintenance of any truant residing in any city, or district, employing a superintendent of schools shall be a charge against such city, or district, and in all other cases shall be a county charge.

§ 636. Enforcement of law and withholding the state moneys by commissioner of education. 1. The commissioner of education shall supervise the enforcement of this law and he may withhold one-half of all public school moneys from any city or district, which, in his judgment, wilfully omits and refuses to enforce the provisions of this article, after due notice, so often and so long as such wilful omission and refusal shall, in his judgment, continue.

2. If the provisions of this article are complied with at any time within one year from the date on which said moneys were withheld, the moneys so withheld shall be paid over by said commissioner of education to such district or city, otherwise forfeited to the state.

ARTICLE 24
School Census

Section 650. School census in cities of the first class, except the city of New York.
651. School census in cities not of the first class.
652. School census in school districts.
653. Penalty for withholding information.
654. Payment of expenses.

§ 650. School census in cities of the first class, except the city of New York. A permanent census board is hereby established in each city of the first class, except the city of New York. In the city of New York provision shall be made by the board of education for taking a school census in connection with the work of enforcing the compulsory education law. Such permanent census board shall consist of the mayor, the superintendent of schools, the police commissioner or officer performing duties similar to those of a police commissioner. The mayor shall be the chairman of such board. Such board shall have power to make such rules and regulations as may be necessary to carry out the provisions of this article. Such board shall have power to appoint a secretary and such clerks and other employees as may be necessary to carry out the provisions of this article and to fix the salaries of the same. Such board shall ascertain through the police force, the residences and employments of all persons between the ages of four and eighteen years residing within such cities and shall report thereon from time to time to the school authorities of such cities. Under the regulations of such board, during the month of October, nineteen hundred and nine, it shall be the duty of the police commissioners in such cities of the first class to cause a census of the children of their respective cities to be taken. Thereafter such census shall be amended from day to day by the police, precinct by precinct, as changes of residence occur among the children of such cities within the ages prescribed in this article and as other persons come within the ages prescribed herein and as other persons within such ages shall become residents of such cities, so that said board shall always have on file a complete census of the names and residences of the children between such ages and of the persons in parental relation thereto. It shall be the duty of persons in parental relation to any child residing within the limits of said cities of the first class to report at the police station house of the precinct within which they severally reside, the following information:

1. Two weeks before any child becomes of the compulsory school age the name of such child, its residence, the name of the person or persons in parental relation thereto, and the name and location of the school to which such child is sent as a pupil.

2. In case a child of compulsory school age is for any cause removed from one school and sent to another school, or sent to

work in accordance with the labor law, all the facts in relation thereto.

3. In case the residence of a child is removed from one police precinct to another police precinct, the new residence and the other facts required in the two preceding subdivisions.

4. In case a child between the ages of four and eighteen becomes a resident of one of said cities of the first class for the first time the residence and such other facts as the census board shall require. Such census shall include all persons between the ages of four and eighteen years, the day of the month and the year of the birth of each of such persons, their respective residences by street and number, the names of their parents or guardians, such information relating to illiteracy and to the enforcement of the law relating to child labor and compulsory education as the school authorities of the state and of such cities shall require and also such further information as such authorities shall require. [*Amended by L.* 1914, *ch.* 480, *in effect May* 1, 1914.]

§ 651. School census in cities not of the first class. A permanent census board may be established in any city not of the first class, in accordance with the provisions of this article. If a census board shall not be established in such cities, then, during the month of October, nineteen hundred and nine, and in the month of October every fourth year thereafter, the school authorities of every city, not a city of the first class, shall take a census of the children of their respective cities. Such census shall include the information required from the cities of the first class as provided in section six hundred and fifty of this chapter.

§ 652. School census in school districts. The board of trustees of every school district shall annually on the thirtieth day of August cause a census of all children between the ages of five and eighteen years to be taken in their respective school districts. Such census shall include the information required from cities as provided in this article.

§ 653. Penalty for withholding information. A parent, guardian or other person having under his control or charge a child between the ages of four and eighteen years who withholds or refuses to give information in his possession relating to such child and required under this article, or any such parent, guardian or other person who gives false information in relation thereto, shall be liable to and punished by fine not exceeding twenty dollars or by imprisonment not exceeding thirty days.

§ 654. Payment of expenses. The money required for the purpose of carrying this article into effect shall be paid by the cities and school districts respectively, included in the provisions of this article, but, in cities in which a permanent census board as provided in section six hundred and fifty of this chapter is not established and maintained, except the city of New York, and in school districts, such moneys shall be paid for the services rendered in the taking of the school census, on the certificate of the state commissioner of education that such census has been satisfactorily taken. [*Amended by L.* 1914, *ch.* 480, *in effect May* 1, 1914.]

L. 1914, ch. 480. § 3. The permanent census board established and maintained in the city of New York in pursuance of the education law, is hereby abolished together with any official or other position created under said board or regulations made by its authority, and all records, documents, office equipment, and property of whatever kind in possession of said board or owned by it at the time this act takes effect, shall be transferred to and become the property of the board of education of the city of New York. All persons now in the employment of the said permanent census board, whether officers, clerks, enumerators, or other employees, shall be transferred to service under the board of education of the city of New York, and be employed subject to its by-laws, and be entitled to such compensation as is now or may hereafter be provided by lawful authority, subject to change of title or to reassignment, or to removal for cause, and subject to the general power of the board to abolish unnecessary positions. All persons appointed as census enumerators under the permanent census board in the city of New York, and acting as such at the time of the passage of this act shall be transferred to service as attendance officers under the board of education, subject to the conditions hereinbefore prescribed. All moneys appropriated for the use of the permanent census board for the year nineteen hundred and fourteen, and unexpended at the time this act takes effect, shall be transferred to the appropriate account of the board of education of the city of New York and used for the purpose of taking a school census and enforcing the compulsory education law.

ARTICLE 25
Text-Books

Section 670. Power to designate text-books.
671. Requisites for change.
672. Penalty for violation.
673. Free text-books in union free school districts.

§ 670. Power to designate text-books. 1. In the several cities and union free school districts of the state, boards

of education or such body or officer as perform the functions of such boards, shall designate text-books to be used in the schools under their charge.

2. In the common school districts in the state the text-books used in the schools therein shall be designated at an annual school meeting by a two-thirds vote of all the legal voters present and voting at such school meeting.

§ 671. Requisites for change. 1. When a text-book shall have been designated for use in a union free school district or city as provided in subdivision one of the preceding section, it shall not be lawful to supersede such text-book by any other book within a period of five years from the time of such designation except upon a three-fourths vote of the board of education, or of such body or officer as performs the function of such board.

2. When a text-book shall have been designated in any common school district as provided in subdivision two of the preceding section it shall not be lawful to supersede such text-book except upon a three-fourths vote of the legal voters present and voting upon such proposition at an annual meeting of such district.

§ 672. Penalty for violation. Any person violating any of the provisions of this article shall be liable to a penalty of not less than fifty dollars nor more than one hundred dollars for every such violation, to be sued for by any taxpayer of the school district, and recovered before any justice of the peace and when collected, to be paid to the collector or treasurer for the benefit of said school district.

§ 673. Free text-books in union free school districts. 1. The qualified voters of any union free school district present at any annual school meeting or at any special school meeting duly and legally called for that purpose, shall have power, by a majority vote, to be ascertained by taking and recording the ayes and noes, to vote a tax for the purchase of all text-books used, or to be used, in the schools of the district.

2. If such tax shall be voted it shall be the duty of the board of education of such district, within ninety days thereafter, to purchase and furnish free text-books to all the pupils attending the schools in such district. Such board of education shall have power to establish such rules and regulations concerning the use by the pupils of such text-books, and the care, preservation and custody thereof as it shall deem necessary.

ARTICLE 26
Physiology and Hygiene

Section 690. Instruction regarding nature of alcoholic drinks.
691. Enforcement of last section.

§ 690. Instruction regarding nature of alcoholic drinks. 1. The nature of alcoholic drinks and other narcotics and their effects on the human system shall be taught in connection with the various divisions of physiology and hygiene, as thoroughly as are other branches in all schools under state control, or supported wholly or in part by public money of the state, and also in all schools connected with reformatory institutions.

2. All pupils in the above-mentioned schools below the second year of the high school and above the third year of school work computing from the beginning of the lowest primary, not kindergarten, year, or in corresponding classes of ungraded schools, shall be taught and shall study this subject every year with suitable text-books in the hands of all pupils, for not less than three lessons a week for ten or more weeks, or the equivalent of the same in each year, and must pass satisfactory tests in this as in other studies before promotion to the next succeeding year's work; except that, where there are nine or more school years below the high school, the study may be omitted in all years above the eighth year and below the high school, by such pupils as have passed the required tests of the eighth year.

3. In all schools above-mentioned, all pupils in the lowest three primary, not kindergarten, school years or in corresponding classes in ungraded schools shall each year be instructed in this subject orally for not less than two lessons a week for ten weeks, or the equivalent of the same in each year, by teachers using text-books adapted for such oral instruction as a guide and standard, and such pupils must pass such tests in this as may be required in other studies before promotion to the next succeeding year's work. Nothing in this article shall be construed as prohibiting or requiring the teaching of this subject in kindergarten schools.

4. The local school authorities shall provide needed facilities and definite time and place for this branch in the regular courses of study.

5. The text-books in the pupils' hands shall be graded to the capacities of fourth year, intermediate, grammar and high school pupils, or to corresponding classes in ungraded schools. For students below high school grade, such text-books shall give at least one-fifth their space, and for students of high school grade, shall give not less than twenty pages to the nature and effects of alcoholic drinks and other narcotics. This subject must be treated in the text-books in connection with the various divisions of physiology and hygiene, and pages on this subject in a separate chapter at the end of the books shall not be counted in determining the minimum. No text-book on physiology not conforming to this article shall be used in the public schools.

6. All regents' examinations in physiology and hygiene shall include a due proportion of questions on the nature of alcoholic drinks and other narcotics, and their effects on the human system.

§ 691. Enforcement of last section. 1. In all normal schools, teachers' training classes and teachers' institutes, adequate time and attention shall be given to instruction in the best methods of teaching this branch, and no teacher shall be licensed who has not passed a satisfactory examination in the subject and the best methods of teaching it. On satisfactory evidence that any teacher has wilfully refused to teach this subject, as provided in this article, the commissioner of education shall revoke the license of such teacher.

2. No public money of the state shall be apportioned by the commissioner of education or paid for the benefit of any city until the superintendent of schools therein shall have filed with the treasurer or chamberlain of such city an affidavit, and with the commissioner of education a duplicate of such affidavit, that he has made thorough investigation as to the facts, and that to the best of his knowledge, information and belief, all the provisions of this article have been complied with in all the schools under his supervision in such city during the last preceding legal school year.

3. Nor shall any public money of the state be apportioned by the commissioner of education or by school commissioners, or paid for the benefit of any school district, until the president of the board of trustees, or in the case of common school districts the trustee or some one member of the board of trustees, shall have filed with the school commissioner having jurisdiction an affidavit that he has made thorough investigation as to the facts and that to the best of his knowledge, information and belief, all

the provisions of this article have been complied with in such district, which affidavit shall be included in the trustees' annual report.

4. It shall be the duty of every school commissioner to file with the commissioner of education an affidavit in connection with his annual report, showing all districts in his jurisdiction that have and those that have not complied with all the provisions of this article, according to the best of his knowledge, information and belief, based upon a thorough investigation by him as to the facts.

5. Nor shall any public money of the state be apportioned or paid for the benefit of any teachers' training class, teachers' institute or other school mentioned herein until the officer having jurisdiction or supervision thereof shall have filed with the commissioner of education an affidavit that he has made thorough investigation as to the facts and that to the best of his knowledge, information and belief, all the provisions of this article relative thereto have been complied with.

6. The principal of each normal school in the state shall at the close of each school year file with the commissioner of education an affidavit that all the provisions of this article applicable thereto have been complied with during the school year just terminated and until such affidavit shall be filed no warrant shall be issued by the commissioner of education for the payment by the treasurer of any part of the money appropriated for such school.

7. It shall be the duty of the commissioner of education to provide blank forms of affidavit required herein for use by the local school officers, and he shall include in his annual report a statement showing every school, city or district which has failed to comply with all the provisions of this article during the preceding school year.

8. On complaint by appeal to the commissioner of education by any patron of the schools mentioned in the last preceding section or by any citizen that any provision of this article has not been complied with in any city or district, the commissioner of education shall make immediate investigation, and on satisfactory evidence of the truth of such complaint, shall thereupon and thereafter withhold all public money of the state to which such city or district would otherwise be entitled, until all the provisions of this article shall be complied with in said city or district, and shall exercise his power of reclamation and deduction under section four hundred and ninety-one of this chapter.

ARTICLE 26-A

[*Article added by L.* 1916, *ch.* 567 *in effect May* 15, 1916.]

Discipline and Physical Training

Section 695. Instruction in physical training and kindred subjects.
696. Rules of regents.
697. State aid for teachers employed.

§ 695. Instruction in physical training and kindred subjects. After the first day of September, nineteen hundred and sixteen, all male and female pupils above the age of eight years in all elementary and secondary schools shall receive as part of the prescribed courses of instruction therein such physical training as the regents after conference with the military training commission may determine, during periods which shall average at least twenty minutes in each school day. Pupils above such age attending the public schools shall be required to attend upon such prescribed courses of instruction. The boards of education and trustees of the several cities and school districts in the state shall require the prescribed instruction to be given in such courses, within such cities and districts respectively, under the direction of the commissioner of education and in accordance with rules of the regents. Such boards of education or trustees, when the number of pupils in the city or district required to attend upon such instruction is sufficient, shall employ a competent teacher or teachers to give such instruction. The trustees or boards of education of two or more contiguous districts in the same supervisory district, when authorized or directed by the commissioner of education, may join in the employment of a competent teacher to give such instruction; and the salary of such teacher and the expenses incurred on account of such instruction shall be apportioned by the district superintendent among such districts according to the assessed valuation thereof, and as so apportioned shall be a charge upon each of such districts. Similar courses of instruction shall be prescribed and maintained in private schools in the state, and all pupils in such schools over eight years of age shall attend upon such courses; and if such courses are not so established and maintained in any private school, attendance upon instruction in such school shall not be deemed substantially equivalent to instruction given to children of like ages in the public school or schools of the city or district in which the child resides.

Whenever the regents shall adopt recommendations of the military training commission in relation to the establishment in elementary and secondary schools of habits, customs and methods adapted to the development of correct physical posture and bearing, mental and physical alertness, self-control, disciplined initiative, sense of duty and spirit of co-operation under leadership, as provided in the military law, the regents shall prescribe and enforce such rules as may be necessary to carry into effect the recommendations so adopted.

§ 696. Rules of regents. It shall be the duty of the regents to adopt rules determining the subjects to be included in courses of physical training provided for in this article, the period of instruction in each of such courses, the qualifications of teachers, the attendance upon such courses of instruction, and relating to carrying out the recommendations of the military training commission when adopted by the regents as provided for in this article.

§ 697. State aid for teachers employed. The commissioner of education, in the annual apportionment of state school moneys, shall apportion therefrom to each city and school district on account of courses of instruction as provided in this article, established and maintained in the schools of such city or district during the school year or any part thereof, a sum equal to one-half of the salary paid to each teacher on account of instruction given in such courses, but the entire amount apportioned on account of a single teacher during a school year shall not exceed six hundred dollars. Such apportionments shall be made out of moneys to be appropriated therefor, subject to the provisions of law relative to apportionments of public money to the public schools of the state. Such apportionments shall not be made unless such courses of instruction shall be approved by the commissioner of education and the instruction therein shall meet the standards prescribed and conform to the provisions of this article and the rules of the regents of the university in respect thereto. If two or more districts shall jointly maintain such courses of instruction, the commissioner of education shall apportion a like amount on account of the salary paid to the teacher, which shall be apportioned to the school districts in accordance with the amount required to be paid by each district for the maintenance of such courses of instruction.

ARTICLE 27
The Flag

Section 710. Purchase and display of flag.
711. Rules and regulations.
712. Commissioner of education shall prepare program.
713. Military drill excluded.

§ 710. Purchase and display of flag. It shall be the duty of the school authorities of every public school in the several cities and school districts of the state to purchase a United States flag, flag-staff and the necessary appliances therefor, and to display such flag upon or near the public school building during school hours, and at such other times as such school authorities may direct.

§ 711. Rules and regulations. The said school authorities shall establish rules and regulations for the proper custody, care and display of the flag, and when the weather will not permit it to be otherwise displayed, it shall be placed conspicuously in the principal room in the school-house.

§ 712. Commissioner of education shall prepare program. 1. It shall be the duty of the commissioner of education to prepare, for the use of the public schools of the state, a program providing for a salute to the flag and such other patriotic exercises as may be deemed by him to be expedient, under such regulations and instructions as may best meet the varied requirements of the different grades in such schools.

2. It shall also be his duty to make special provision for the observance in the public schools of Lincoln's birthday, Washington's birthday, Memorial day and Flag day, and such other legal holidays of like character as may be hereafter designated by law when the legislature makes an appropriation therefor.

§ 713. Military drill excluded. Nothing herein contained shall be construed to authorize military instruction or drill in the public schools during school hours.

ARTICLE 28
Fire Drills

Section 730. Duty to maintain drills.
731. Penalty for neglect.
732. Duty to instruct teachers.
733. Not applicable to colleges or universities.

§ 730. Duty to maintain drills. It shall be the duty of the principal or other person in charge of every public or private school or educational institution within the state, having more than one hundred pupils, or maintained in a building two or more stories high to instruct and train the pupils by means of drills, so that they may in a sudden emergency be able to leave the school building in the shortest possible time and without confusion or panic. Such drills or rapid dismissals shall be held at least once in each month.

§ 731. Penalty for neglect. Neglect by any principal or other person in charge of any public or private school or educational institution to comply with the provisions of this article shall be a misdemeanor punishable at the discretion of the court by fine not exceeding fifty dollars; such fine to be paid to the pension fund of the local fire department where there is such a fund.

§ 732. Duty to instruct teachers. It shall be the duty of the board of education or school board or other body having control of the schools in any district or city to cause a copy of this article to be printed in the manual or handbook prepared for the guidance of teachers, where such manual or handbook is in use or may hereafter come into use.

§ 733. Not applicable to colleges or universities. The provisions of this article shall not apply to colleges or universities.

ARTICLE 29

Arbor Day

Section 750. Arbor day.
751. Manner of observance.
752. Prescribed course of exercises.

§ 750. Arbor day. The commissioner of education shall designate by proclamation, annually, the day to be observed as Arbor Day. [*Amended L.* 1916, *ch.* 220, *in effect April* 17, 1916.]

§ 751. Manner of observance. It shall be the duty of the authorities of every public school in this state to assemble the pupils in their charge on that day in the school building, or

elsewhere, as they may deem proper, and to provide for and conduct, under the general supervision of the city superintendent or the school commissioner, or other chief officers having the general oversight of the public schools in each city or district, such exercises as shall tend to encourage the planting, protection and preservation of trees and shrubs, and an acquaintance with the best methods to be adopted to accomplish such results.

§ 752. Prescribed course of exercises. The commissioner of education may prescribe from time to time a course of exercises and instruction in the subjects hereinbefore mentioned, which shall be adopted and observed by the public school authorities on Arbor day. Upon receipt of copies of such course sufficient in number to supply all the schools under their supervision, the school commissioner or city superintendent aforesaid shall promptly provide each of the schools under his charge with a copy, and cause it to be observed.

ARTICLE 30

Teachers' Institute

Section 770. Duties of commissioner of education regarding teachers' institutes.
771. Duties of school commissioners.
772. Schools must be closed.
773. Penalty for failure to attend or to close schools.
774. Teachers must attend; entitled to salaries.
775. Payment of expenses.

§ 770. Duties of commissioner of education regarding teachers' institutes. It shall be the duty of the commissioner of education:

1. To appoint a teachers' institute once in each year in each school commissioner district of the state, for the benefit and instruction of the teachers in the public schools, and of such as intend to become teachers, with special reference to the presentation of subjects relating to the principles of education and methods of instruction in the various branches of study pursued in the schools. After consultation with the school commissioners, the said commissioner of education shall have power to determine the duration of each institute and to designate the time and place of holding the same.

2. To employ suitable persons, at a reasonable compensation, to supervise and conduct the institutes, and, in his discretion, to provide for such additional instruction as he may deem advisable and for the best interests of the schools.

3. To appoint in his discretion an institute for two or more school commissioner districts.

4. To establish such regulations for the government of institutes as he may deem best; and he may establish such regulations in regard to certificates of qualification or recommendation which may be issued by school commissioners as will, in his judgment, furnish incentives and encouragement to teachers to attend the institutes.

5. To visit the institutes, or cause them to be visited by representatives of the education department, for the purpose of examining into the course and character of instruction given, and of rendering such assistance as he may find expedient.

§ 771. Duties of school commissioners. It shall be the duty of every school commissioner, subject always to the advice and direction of the commissioner of education:

1. To notify all teachers, trustees, boards of education and others known to him who may desire to become teachers under his jurisdiction, of the time when and the place where the institute will be held.

2. To make all necessary arrangements for holding the institute when appointed; see that a suitable room is provided; attend to all necessary details connected therewith; assist the conductor in organization; keep a record of all teachers in attendance and notify the trustees of the number of days attended by the teachers of the various districts, which shall be the basis of pay to such teacher for attendance as hereafter provided.

3. To transmit to the commissioner of education at the close of each institute, in such form, and within such time, as such commissioner shall prescribe, a full report of the institute, including a list of all teachers in attendance, the number of days attended by each teacher, with such other information as may be required.

4. To present a full statement of all expenses incurred by him in carrying on the institute, with vouchers for all expenditures made, accompanying the same by an affidavit of the correctness of statements made and of accounts presented.

§ 772. Schools must be closed. 1. All schools in school districts and parts of school districts within any school commissioner district wherein an institute is held, not included within the boundaries of an incorporated city, except as herein provided, shall be closed during the time such institute shall be in session.

2. The closing of a school within the school commissioner district wherein an institute shall be held, at which a teacher has attended, shall not work a forfeiture of the contract under which such teacher was employed.

3. In all districts having a population of more than five thousand, and employing a superintendent whose time is exclusively devoted to the supervision of the schools therein, the schools may be closed or not at the option of the boards of education in such districts.

§ 773. Penalty for failure to attend or to close schools. Wilful failure on the part of a teacher to attend a teachers' institute as required, shall be sufficient cause for the revocation of such teacher's license, and a wilful failure on the part of trustees to close their schools during the holding of an institute as required, shall be sufficient cause for withholding the public moneys to which such districts would otherwise be entitled.

§ 774. Teachers must attend; entitled to salaries. 1. Any person under contract to teach in a school in any commissioner district, is required to attend an institute if one is held for that district, even though at the time of such institute the school is not in session, and shall be entitled to receive full salary for the actual time in attendance at such institute.

2. The trustees of every school district are hereby directed to give the teachers employed in their district the whole of the time, while an institute for the school commissioner district in which their school is located is in session, for attendance thereat and shall make no deduction whatever from the salaries of such teachers for the time so spent.

§ 775. Payment of expenses. The treasurer shall pay, on the warrant of the comptroller, to the order of any one or more of the school commissioners, such sum of money as the commissioner of education shall certify to be due to them for expenses in holding a teachers' institute; and upon the like warrant and certificate shall pay to the order of any persons employed by the commissioner of education as additional instructors to conduct, instruct, teach or supervise any such teachers' institute.

ARTICLE 31
Training Classes

Section 790. Designation of schools for classes.
791. Regulations for classes.
792. Instruction free.
793. *School commissioners shall supervise and examine classes; teachers' certificates.
794. Teachers' training schools or classes under superintendents of schools.

§ 790. Designation of schools for classes. The commissioner of education shall designate the academies and union free schools in which training classes may be organized to give instruction in the science and practice of common school teaching. Such classes shall be distributed among the academies and high schools of the several school commissioner districts of the state and consideration shall be given to the number of school districts in each and the location and character of the institution designated.

§ 791. Regulations for classes. 1. Every academy and union school so designated shall instruct a training class of not less than ten nor more than twenty-five scholars, and every scholar admitted to such class shall continue under instruction not less than thirty-six weeks.

2. Whenever it shall be shown to the satisfaction of the commissioner of education that any pupil attending such classes has been prevented from attending the same for the full term of thirty-six weeks, or that for any reason satisfactory to such commissioner, said classes have not been held for the full term of thirty-six weeks or have been attended by less than ten members, such commissioner may excuse such default and allow to the trustees of the academy or union free school in which said classes have been instructed an equitable allowance proportionate to the number of pupils and period of instruction.

3. The commissioner shall prescribe the conditions of admission to the classes, the course of instruction and the rules and regulations under which said instruction shall be given.

§ 792. Instruction free. Instruction shall be free to all scholars admitted to such classes, who have continued in them the length of time required by the preceding section.

* So in original.

§ 793. School commissioners shall supervise classes. Each class organized in any academy or union school under appointment by the commissioner of education for the instruction in the science and practice of common school teaching, shall be subject to the visitation of the school commissioner of the district in which such academy or union school is situated; and it shall be the duty of said school commissioner to advise and assist the principals of said academies or union schools in the organization and management of said classes.

§ 794. Teachers' training schools or classes under superintendents of schools. The board of education or the public school authorities of any city or of any school district having a population of five thousand or more and employing a superintendent of schools, may establish, maintain, direct and control one or more schools or classes for the professional instruction and training of teachers in the principles of education and in the method of instruction for not less than two years.

ARTICLE 32

Normal Schools; State Normal College

Section 810. Normal schools continued.
811. Local boards.
812. Powers of local boards.
813. Bond of treasurer.
814. Salary of secretary and treasurer.
815. Local boards shall have management of buildings and property.
816. Courses of study.
817. Teachers, salaries, et cetera.
818. Commissioner may perform duties of defaulting local board.
819. Diplomas.
820. Requisites for admission; privileges and duties of pupils.
821. Practice departments in Fredonia school.
822. Special policemen.
823. Village or city may insure normal school property.
824. Expense of insurance a village or city charge.
825. Deposit of insurance moneys in bank.
826. Acceptance of grants and bequests authorized.
827. Education of Indian youth.

Section 828. Selection of Indian youth.
829. Age of youth and limit of time for support.
830. Guardians of youth.
831. Indian pupils on equality with others.
832. New York state normal college.
833. Board of trustees.
834. Contracts for the education of children, residing in a city or district, in which a state normal school is located.

§ 810. Normal schools continued. The state normal schools heretofore established at Brockport, Buffalo, Cortland, Fredonia, Geneseo, New Paltz, Oneonta, Oswego, Plattsburgh and Potsdam, are continued.

§ 811. Local boards. There shall continue to be a local board of each of said state normal schools, consisting of not less than three nor more than thirteen persons and the members thereof shall hold their offices until removed by the concurrent action of the chancellor of the university and the commissioner of education. A vacancy in any of said boards shall be filled by appointment by the commissioner of education.

§ 812. Powers of local boards. 1. Local boards shall have the immediate supervision and management of said schools, subject, however, to the general supervision of the commissioner of education and to his direction in all things pertaining to the school. Said local boards shall have power to appoint one of their number chairman, one secretary and another treasurer of the board. The secretary may also be treasurer.

2. A majority of each of said boards shall form a quorum for the transaction of business, and in the absence of any officer of the board, another member may be appointed pro tempore to fill his place and perform his duties.

3. It shall be the duty of such board to make and establish, and from time to time to alter and amend, such rules and regulations for the government of such schools under their charge, respectively, as they shall deem best, which shall be subject to the approval of the commissioner of education.

4. They shall also severally transmit through the commissioner of education, and subject to his approval and in the form which he directs, a report to the legislature on the first day of January in each year, showing the condition of the school under their charge during the year next preceding, including, especially, an account in detail of their receipts and expenditures, which shall

be duly verified by the oath or affirmation of their chairman and secretary.

§ 813. Bond of treasurer. The treasurer shall give an undertaking to the people of the state for the faithful performance of his trust in an amount fixed by the commissioner of education. The undertaking shall be approved by said commissioner and filed in the office of the comptroller.

§ 814. Salary of secretary and treasurer. The secretary and the treasurer shall each be paid an annual salary to be fixed by the local board with the approval of the commissioner of education, but the aggregate amount of such salaries shall not exceed four hundred dollars.

§ 815. Local boards shall have management of buildings and property. The local boards of managers of the respective normal schools in this state shall have the custody, keeping and management of the grounds and buildings provided or used for the purposes of such schools, respectively, and other property of the state pertaining thereto, with power to protect, preserve and improve the same.

§ 816. Courses of study. It shall be the duty of the commissioner of education to prescribe the courses of study to be pursued in each of said schools.

§ 817. Teachers, salaries, et cetera. The commissioner of education shall determine the number of teachers to be employed in each normal school and the salary of such teachers. The employment of such teachers shall also be subject to his approval.

§ 818. Commissioner may perform duties of defaulting local board. During such time as any local board shall fail or refuse to discharge any duty the commissioner of education is hereby authorized to discharge such duty of such local boards or any of their officers; and the acts of said commissioner of education in the premises shall be as valid and binding as if done by a competent local board or its officers, or with their co-operation.

§ 819. Diplomas. The commissioner of education shall prepare suitable diplomas to be granted to the students of such school, who shall have completed one or more of the courses of study and discipline prescribed, and a diploma signed by him, the chairman and secretary of the local board and the principal of the school, shall be of itself a certificate of qualification to teach common schools.

§ 820. Requisites for admission; privileges and duties of pupils. 1. All applicants for admission to a normal school shall be residents of this state, or, if not, they shall be admitted only upon the payment of such tuition fees as shall be, from time to time, prescribed by the commissioner of education. Applicants shall present such evidences of proficiency or be subject to such examination as shall be prescribed by said commissioner.

2. A normal school shall not receive into its academic department any pupil not a resident of the territory, for the benefit or advantage of whose residents the state has pledged itself to maintain such academic department unless such pupil declares it to be her intention to remain in such school to complete the regular normal course.

3. All students duly admitted to the normal department shall be entitled to all the privileges of the school, free from all charges for tuition or for the use of books or apparatus, but every pupil shall pay for books lost by him, and for any damage to books in his possession. Any pupil may be dismissed from the school by the local board for immoral or disorderly conduct, or for neglect or inability to perform his duties.

§ 821. Practice departments in Fredonia school. The local board of control of the state normal school at Fredonia shall have the same powers and privileges in respect to practice departments as boards of education, under subdivision three of section three hundred and ten and section three hundred and seventeen of this chapter.

§ 822. Special policemen. For the purpose of protecting and preserving such buildings, grounds and other property, and preventing injuries thereto, and preserving order, preventing disturbances, and preserving the peace in such buildings and upon such grounds, the local boards of managers of each of said normal schools shall have power, by resolution or otherwise, to appoint, from time to time, one or more special policemen, and to remove the same at pleasure, who shall be police officers, with the same powers as constables of the town or city where such school is located, whose duty it shall be to preserve order, and prevent disturbances and breaches of the peace in and about the buildings, and on and about the grounds used for said school, or pertaining thereto, and protect and preserve the same from injury, and to arrest any and all persons making any loud or unusual noise,

causing any disturbance, committing any breach of the peace, or misdemeanor or any wilful trespass upon such grounds, or in or upon said buildings, or any part thereof and convey such person or persons so arrested, with a statement of the cause of the arrest, before a proper magistrate to be dealt with according to law.

§ 823. Village or city may insure normal school property. Each village and city in this state, wherein is located a state normal and training school, may insure and keep insured, the real and personal property of such school against loss or damage by fire, when the state refuses to insure, or keep adequately insured, such property. The insurance is to be in the name of the state, and in case of loss, any moneys obtained from such insurance are to be used and disposed of the same as if the state had effected such insurance. The amount of insurance to be carried shall be determined by the municipal authorities of such village or city.

§ 824. Expense of insurance a village or city charge. The amount of money necessary to effect and continue such insurance shall be raised annually by such village or city at the same time, and in the same manner, as the ordinary expenses of the village or city are raised.

§ 825. Deposit of insurance moneys in bank. Where any loss or damage, against which insurance exists, occurs to the real or personal property of any of the normal and training schools of the state, the moneys realized from such insurance shall be deposited by each company in which such property is insured in a bank to be designated by the state comptroller, subject to the check of the local board of managers of such school, countersigned by the state comptroller. Such moneys shall be kept as a separate fund to the credit of the local board of managers of such school, and shall be immediately available to be expended under the direction of such local board of managers, subject to the approval of the commissioner of education, to repair or replace, wholly or partially, the real or personal property so damaged or destroyed.

§ 826. Acceptance of grants and bequests authorized. The local board of managers of any state normal and training school of this state, may accept, for the state, by and with the consent of the commissioner of education the gift, grant, devise or bequest of money or other property, and *to apply the same to any purpose, not inconsistent with the general purposes of such

* So in original.

school, which shall be prescribed in the instrument by which such gift, grant, devise or bequest shall be made.

§ 827. Education of Indian youth. The state treasurer shall pay, on the warrant of the comptroller, on bills approved by the commissioner of education, from the general fund, such sum as may be appropriated for the support and education of Indian youth in the state normal schools.

§ 828. Selection of Indian youth. The selection of such youth shall be made by the commissioner of education, from the several Indian tribes located within this state; and in making such selection due regard shall be had to a just participation in the privileges of this article by each of the said several tribes, and, if practicable, reference shall also be had to the population of each of said tribes in determining such selection.

§ 829. Age of youth and limit of time for support. Such youth shall not be under sixteen years of age, nor shall any of such youth be supported or educated at said normal schools for a period exceeding three years.

§ 830. Guardians of youth. The local board of each normal school shall be the guardians of such Indian youth, during the period of their connection with the school; and shall pay their necessary expenses, as provided in section eight hundred and twenty-seven of this article.

§ 831. Indian pupils on equality with others. The Indian pupils selected in pursuance of this article, and attending said normal schools, shall enjoy the same privileges, of every kind, as the other pupils attending said schools, including the payment of traveling expenses, not exceeding ten dollars to each pupil.

§ 832. New York state normal college. 1. The state normal school heretofore established at Albany is continued under the name of the New York state normal college and the executive committee of said college shall be known as the board of trustees thereof.

2. The said state normal college shall be as heretofore, under the supervision, management and government of the commissioner of education and the regents of the university. The said commissioner and regents shall from time to time, make all needful rules and regulations; fix the number and compensation of teachers and others to be employed therein; prescribe the examination and the terms and conditions on which pupils shall be received and instructed therein; the number of pupils from the respective

counties conforming as nearly as may be to the ratio of population, and provide in all things for the good government and management of the said college. The board of trustees of such college may appoint a secretary and a treasurer and fix their compensation. [*Subdivision amended by L.* 1913, *ch.* 511, *in effect May* 14, 1913.]

§ 833. Board of trustees. 1. The board of trustees having the care, management and government of said college shall consist of five persons of whom the commissioner of education shall be one. Said commissioner shall be president ex officio of said board. The other members of such board shall be appointed by said commissioner subject to the approval of the regents.

2. In addition to the powers and duties named herein the commissioner of education and the board of trustees of said state normal college shall possess all the powers and duties which the said commissioner and the local boards respectively possess under this article in relation to state normal schools.

§ 834. Contracts for the education of children, residing in a city or district, in which a state normal school is located. The commissioner of education is authorized to enter into a contract with the board of education of a city or district in which a state normal school is located for the education by the state, for such period of time as may be agreed upon, of all or part of the children of legal school age residing in such city or school district. Before such contract becomes binding, it must be approved by the board of regents. Such contract must be executed in duplicate and one contract filed with the commissioner of education and the other with the state comptroller. A board of education in such a city or district is hereby authorized and empowered to enter into such contracts with the said commissioner of education and to perform all necessary acts to carry out the purposes of this act. [*Section added by L.* 1916, *ch.* 315, *in effect April* 25, 1916.]

ARTICLE 33

Fines, Penalties, Forfeitures and Costs

Section 850. Disposition of fines for benefit of common schools.
851. Report and payment of fines.
852. Disposition of fines for benefit of schools of town, district or city.

Section 853. Disposition of fine in case of joint district.
854. Penalty for falsely claiming to represent commissioner of education, regents or other school officer.
855. Forfeiture of amount of moneys lost by neglect.
856. Forfeiture of amount of penalty where suit is neglected.
857. No costs to plaintiffs in certain cases.
858. Costs, expenses and damages a district charge in certain cases.
859. Payment of costs, charges and expenses by vote of district meeting.
860. Appeal to county judge.
861. Hearing before county judge.
862. Duty of trustees to carry out order.

§ 850. Disposition of fines for benefit of common schools. Whenever, by any statute, a penalty or fine is imposed for the benefit of common schools, and not expressly of the common schools of a town or school district, it shall be taken to be for the benefit of the common schools of the county within which the conviction is had; and the fine or penalty, when paid or collected, shall be paid forthwith into the county treasury, and the treasurer shall credit the same as school moneys of the county, unless the county comprise a city having a special school act, in which case he shall report it to the commissioner of education, who shall apportion it upon the basis of population by the last census, between the city and the residue of the county, and the portion belonging to the city shall be paid into its treasury.

§ 851. Report and payment of fines. Every district attorney shall report, annually, to the board of supervisors, all such fines and penalties imposed in any prosecution conducted by him during the previous year; and all moneys collected or received by him or by the sheriff, or any other officer, for or on account of such fines or penalties, shall be immediately paid into the county treasury, and the receipt of the county treasurer shall be a sufficient and the only voucher for such money.

§ 852. Disposition of fines for benefit of schools of town, district or city. Whenever a fine or penalty is inflicted or imposed for the benefit of the common schools of a town or school district, the magistrate, constable or other officer collecting or receiving the same shall forthwith pay the same to the

county treasurer of the county in which the schoolhouse is located, who shall credit the same to the town or district for whose benefit it is collected. If the fine or penalty be inflicted or imposed for the benefit of the common schools of a city having a special school act, or of any part or district of a city, it shall be paid into the city treasury.

§ 853. Disposition of fine in case of joint district. Whenever a penalty or fine is imposed upon any school district officer for a violation or omission of official duty, or upon any person for any act or omission within a school district, or touching property or the peace and good order of the district, and such penalty or fine is declared to be for the use or benefit of the common schools of the town or of the county, and such school district lies in two or more towns or counties, the town or county intended by the act shall be taken to be the one in which the schoolhouse, or the schoolhouse longest owned or held by the district is at the time of such violation, act or omission.

§ 854. Penalty for falsely claiming to represent commissioner of education, regents or other school officer. It shall be a misdemeanor for any employee, agent or representative of a firm, company or corporation engaged in selling, publishing or manufacturing papers, periodicals, books, maps, charts, school supplies, apparatus or furniture, or any other person engaged or employed in such business to falsely represent to a board of trustees or board of education of a school district or to a teacher employed in a public school in this state or to a superintendent of schools or other school officer that he is an agent, employee, or representative of the commissioner of education, the state education department, the regents, or of any other school officer.

§ 855. Forfeiture of amount of moneys lost by neglect. Whenever the share of school moneys or any portion thereof, apportioned to any town or school district, or any money to which a town or school district would have been entitled, shall be lost, in consequence of any wilful neglect of official duty by any school commissioner, town clerk, trustees or clerks of school districts, the officer guilty of such neglect shall forfeit to the town, or school district so losing the same, the full amount of such loss with interest thereon.

§ 856. Forfeiture of amount of penalty where suit is neglected. Where any penalty for the benefit of a school

district, or of the schools of any school district, town, school commissioner district or county, shall be incurred, and the officer, whose duty it is by law to sue for the same, shall wilfully and unreasonably refuse or neglect to sue for the same, such officer shall forfeit the amount of such penalty to the same use, and it shall be the duty of his successor in office to sue for the same.

§ 857. No costs to plaintiffs in certain cases. 1. In any action against school officers, including supervisors of towns, in respect to their duties and powers under this chapter, for any act performed by virtue of or under the color of their offices, or for any refusal or omission to perform any duty enjoined by law, and which might have been the subject of an appeal to the commissioner of education, no costs shall be allowed to the plaintiff, in cases where the court shall certify that it appeared on the trial that the defendants acted in good faith.

2. The provision of subdivision one of this section shall not extend to suits for penalties, nor to suits or proceedings to enforce the decisions of the commissioner of education.

§ 858. Costs, expenses and damages a district charge in certain cases. 1. Whenever the trustees of any school district, or any school district officers, have been or shall be instructed by a resolution adopted at a district meeting to defend any action brought against them, or to bring or defend an action or proceeding touching any district property or claim of the district, or involving its rights or interests, or to continue any such action or defense, all their costs and reasonable expenses, as well as all costs and damages adjudged against them, shall be a district charge and shall be levied by tax upon the district.

2. If the amount claimed by them be disputed by a district meeting, it shall be adjusted by the county judge of any county in which the district or any part of it is situated.

§ 859. Payment of costs, charges and expenses by vote of district meeting. 1. Whenever such trustees or any school district officer shall have brought or defended any such action or proceeding, without any such resolution of the district meeting, and after the final determination of such suit or proceeding, shall present to any regular meeting of the inhabitants of the district, an account, in writing, of all costs, charges and expenses paid by him or them, with the items thereof, and verified by his or their oath or affirmation, and a majority of the voters at such meeting shall so direct, it shall be the duty of the

trustees to cause the same to be assessed upon and collected of the taxable property of said district, in the same manner as other taxes are by law assessed and collected; and, when so collected, the same shall be paid over, by an order upon the collector or treasurer to the officers entitled to receive the same.

2. The provision of subdivision one of this section shall not extend to suits for penalties, nor to suits or proceedings to enforce the decisions of the commissioner of education.

§ 860. Appeal to county judge. 1. Whenever any officer mentioned in section eight hundred and fifty-nine shall have complied with the provisions of such section and the meeting shall have refused to direct the trustees to levy a tax for the payment of the costs, charges and expenses claimed by him, such officer shall immediately give notice to such meeting that he will appeal to the county judge of the county in which such district is located from the refusal of said meeting to vote a tax for the payment of such claim.

2. Within ten days after the refusal of the meeting to allow such claim such officer shall serve upon the clerk of the district or, if there be no district clerk, upon the town clerk of the town an itemized statement of his claim, duly verified, together with a written notice that on a certain day named therein such officer will present such claim to the county judge for settlement.

3. The clerk upon whom such notice and claim are served shall file the same in his office and such notice and claim shall be subject to the inspection of any of the inhabitants of the school district.

4. The meeting at which notice of the intention of such officer to appeal to the county judge is given or any subsequent district meeting, duly called, may appoint one or more of the legal voters of such district or authorize the trustee to employ counsel to appear before the county judge at the time fixed for a hearing on such claim and protect the rights of the district upon such settlement. The expenses incurred in the performance of this duty shall be a charge upon the district and the trustees upon a presentation of the account of such expenses with proper vouchers therefor shall pay the same from any available funds in the district or include the necessary amount in a tax-list to be levied upon the district.

5. A refusal of the trustees to levy such tax for the payment of such expenses shall be subject to an appeal to the commissioner of education.

§ 861. Hearing before county judge. 1. Upon the appearance of the parties, or upon due proof of service of the notice and copy of the account, the county judge shall examine into the matter and hear the proofs and allegations presented by the parties, and decide by order whether or not the account, or any and what portion thereof, ought justly to be charged upon the district, with costs and disbursements to such officer.

2. Such costs and disbursements shall not exceed the sum of thirty dollars, and the decision of the county judge shall be final; but no portion of such account shall be so ordered to be paid which shall appear to such judge to have arisen from the wilful neglect or misconduct of the claimant. The account with the oath of the party claiming the same shall be prima facie evidence of the correctness thereof. The county judge may adjourn the hearing from time to time, as justice shall seem to require.

§ 862. Duty of trustees to carry out order. It shall be the duty of the trustees of any school district, within thirty days after service upon them or upon the district clerk of a copy of an order of the county judge and notice thereof to them or any two of them, to cause the same to be entered at length in the book of record of said district, and to raise the amount thereby directed to be paid, by a tax upon the district, to be by them assessed and levied in the same manner as a tax voted by the district.

ARTICLE 34

Appeals or Petitions to Commissioner of Education

Section 880. Appeals or petitions to commissioner of education and other proceedings.
Section 881. Powers of commissioner upon appeals *of petitions, et cetera.
882. Filed papers and copies thereof.

§ 880. Appeals or petitions to commissioner of education and other proceedings. Any person conceiving himself aggrieved may appeal or petition to the commissioner of education who is hereby authorized and required to examine and decide the same; and the commissioner of education may also

* So in original.

institute such proceedings as are authorized under this act and his decision in such appeals, petitions or proceedings shall be final and conclusive, and not subject to question or review in any place or court whatever. Such appeal or petition may be made in consequence of any action:

1. By any school district meeting;

2. By any school commissioner and other officers, in forming or altering, or refusing to form or alter, any school district, or in refusing to apportion any school moneys to any such district or part of a district;

3. By a supervisor in refusing to pay any such moneys to any such district;

4. By the trustees of any district in paying or refusing to pay any teacher, or in refusing to admit any scholar gratuitously into any school or on any other matter upon which they may or do officially act.

5. By any trustees of any school library concerning such library, or the books therein, or the use of such books;

6. By any district meeting in relation to the library or any other matter pertaining to the affairs of the district.

7. By any other official act or decision of any officer, school authorities, or meetings concerning any other matter under this chapter, or any other act pertaining to common schools.

§ 881. Powers of commissioner upon appeals or petitions, et cetera. The commissioner, in reference to such appeals, petitions or proceedings, shall have power:

1. To regulate the practice therein.

2. To determine whether an appeal shall stay proceedings, and prescribe conditions upon which it shall or shall not so operate.

3. To decline to entertain or to dismiss an appeal, when it shall appear that the appellant has no interest in the matter appealed from, and that the matter is not a matter of public concern, and that the person injuriously affected by the act or decision appealed from is incompetent to appeal.

4. To make all orders, by directing the levying of taxes or otherwise, which may, in his judgment, be proper or necessary to give effect to his decision.

§ 882. Filed papers and copies thereof. The commissioner shall file, arrange in the order of time, and keep in

his office, so that they may be at all times accessible, all the proceedings on every appeal or petition to him under this article, including his decision and orders founded thereon; and copies of all such papers and proceedings, authenticated by him under his seal of office, shall be evidence equally with the originals.

ARTICLE 35

Orphan Schools

Section 900. Schools of orphan asylums.
901. Rules subject to supervision of school authorities.
902. Annual reports.

§ 900. Schools of orphan asylums. The schools of the several incorporated orphan asylum societies in this state, other than those in the city of New York, shall participate in the distribution of the school moneys, in the same manner and to the same extent, in proportion to the number of children educated therein, as the common schools in their respective cities or districts. The schools of said societies shall be subject to the rules and regulations of the common schools in such cities or districts, but shall remain under the immediate management and direction of the said societies as heretofore.

§ 901. Rules subject to supervision of school authorities. Every such asylum may make all laws, rules and regulations relative to the education and discipline of their inmates, as a majority of the trustees thereof at their annual meetings shall think fit and proper; but such laws, rules and regulations shall not be repugnant to the laws of this state in its policy in reference to public and primary instruction, and shall be subject at all times to the inspection and supervision of the several educational officers of the different villages, towns or cities in which such orphan asylums may be located.

§ 902. Annual reports. An annual report shall be made and sworn to by the presiding officer of any such asylum, stating the number of inmates thereof, the time spent by them in pursuing studies therein, in what studies they shall have been instructed, and the manner in which the public funds distributed to it shall have been expended, which shall be filed with the commissioner of education.

ARTICLE 36

Schools for Colored Children

Section 920. No exclusion on account of race or color.
921. Provision for separate schools.
922. Only qualified teachers shall be employed.

§ 920. No exclusion on account of race or color. No person shall be refused admission into or be excluded from any public school in the state of New York on account of race or color.

§ 921. Provision for separate schools. The trustees of any union school district, or of any school district organized under a special act, may, when the inhabitants of any district shall so determine, by resolution, at any annual meeting, or at a special meeting called for that purpose, establish separate schools for the instruction of colored children resident therein, and such school shall be supported in the same manner and receive the same care, and be furnished with the same facilities for instruction, as the white schools therein.

§ 922. Only qualified teachers shall be employed. No person shall be employed to teach any of such schools who shall not, at the time of such employment, be legally qualified.

ARTICLE 37

Indian Schools

Section 940. Duties of commissioner regarding Indian children.
941. Co-operation of Indians shall be sought.
942. Rights of Indians and of state shall be guarded.
943. Indian children not entitled to free tuition in public schools.
944. Employment of teachers, et cetera.
945. Required attendance upon instruction.
946. Duties of persons in parental relation to Indian children.
947. Penalty for failure to send children to school.
948. Persons employing Indian children unlawfully to be fined.
949. Teachers' record of attendance.

Section 950. Attendance officers.
951. Arrest of truants.
952. Commissioner of education to contract for keeping of truants.
953. Enumeration.
954. Payment of services herein required.

§ 940. Duties of commissioner regarding Indian children. The commissioner of education shall establish schools in such places and maintain such courses of instruction therein for the education of the Indian children of the state as he shall deem necessary. He shall have general supervision of such education and shall cause to be erected where necessary convenient and suitable school buildings for the accommodation of all the Indian children of the state. He shall also enforce the statutes relating to the education of the Indians and pay from the funds set apart for Indian education any necessary expense incurred thereby.

§ 941. Co-operation of Indians shall be sought. In the discharge of the duties imposed by this article, the said commissioner shall endeavor to secure the co-operation of all the several bands of Indians, and for this purpose, shall visit, by himself or his authorized representative, all the reservations where they reside, lay the matter before them in public assembly, inviting them to assist either by appropriating their public moneys to this object, or by setting apart lands and erecting suitable buildings, or by furnishing labor or materials for such buildings, or in any other way which he or they may suggest as most effectual for the promotion of this object.

§ 942. Rights of Indians and of state shall be guarded. In any contract which may be entered into with said Indians, for the use or occupancy of any land for school grounds, sites or buildings, care shall be taken to protect the title of the Indians to their lands, and tc reserve to the state the right to remove or otherwise dispose of all improvements made at the expense of the state.

§ 943. Indian children not entitled to free tuition in public schools. Indian children residing on a reservation are not entitled to free tuition in districts outside the reservation but may be received into the schools of such districts on the approval of the trustees thereof and the commissioner of education.

§ 944. Employment of teachers, et cetera. The commissioner of education shall employ all necessary teachers, truant officers and other assistants and employees and fix their salaries as shall be necessary for the proper enforcement of the statutes relating to Indian education.

§ 945. Required attendance upon instruction. 1. Every Indian child between six and sixteen years of age, in proper physical and mental condition to attend school, shall regularly attend upon instruction at a school in which at least the common school branches of reading, spelling, writing, arithmetic, English grammar and geography are taught in English, or upon equivalent instruction by a competent teacher elsewhere than at such school as follows: Every Indian child between fourteen and sixteen years of age not regularly and lawfully engaged in any useful employment or service, and every such child between six and fourteen years of age, shall so attend upon instruction as many days annually during the period between the first days of September and the following July as a public school of the community or district of the reservation, in which such child resides, shall be in session during the same period.

2. If any such child shall so attend upon instruction elsewhere than at the public school, such instruction shall be at least equivalent to the instruction given to Indian children of like age at a school of the community or district in which such child shall reside; and such attendance shall be for at least as many hours of each day thereof, as are required of children of like age at public schools and no greater total amount of holidays and vacations shall be deducted from such attendance during the period such attendance is required than is allowed in public schools for children of like age. Occasional absences from such attendance, not amounting to irregular attendance in a fair meaning of the term, shall be allowed upon such excuses only as would be allowed in like cases by the general rules and practices of public schools.

§ 946. Duties of persons in parental relation to Indian children. Any person in parental relation to an Indian child between six and sixteen years of age in proper physical and mental condition to attend school, shall cause such child to attend upon instruction as provided in this article.

§ 947. Penalty for failure to send children to school. A violation of this section shall be a misdemeanor,

punishable for the first offense by a fine not exceeding five dollars or by imprisonment not exceeding ten days, and for each subsequent offense, by a fine not exceeding twenty-five dollars, or by imprisonment not exceeding thirty days, or by both such fine and imprisonment. Courts of special sessions shall, subject to removal, as provided in section fifty-seven and fifty-eight of the code of criminal procedure, have exclusive jurisdiction in the first instance to hear, try and determine charges of violation of this section within their respective jurisdictions.

§ 948. Persons employing Indian children unlawfully to be fined. A person, firm, association or corporation shall not employ any Indian child residing on any Indian reservation between six and fourteen years of age, in any business or service whatever, during any part of the term during which the school in the community or district in which such child resides is in session, or shall not employ any Indian child residing on any reservation between fourteen and sixteen years of age, who does not, at the time of such employment present a consent in writing signed by the principal teacher of the reservation to the effect that such child may be employed, and specifying the nature of the service and the duration of such service or employment. Any person, firm, association or corporation who shall employ any Indian child contrary to the provisions of this section shall for each offense forfeit and pay to the principal teacher of the reservation a penalty of twenty-five dollars, the same, when paid, to be used for the support and maintenance of the schools on said reservation.

§ 949. Teachers' record of attendance. An accurate record of attendance of all Indian children between six and sixteen years of age shall be kept by the teacher of every Indian school, showing each day, by the year, month, day of the month and day of the week, such attendance, and the number of hours in each day thereof; and each teacher upon whose instruction such Indian child shall attend elsewhere than at the school in the community or district of the reservation where he resides, shall keep a like record of such attendance. Such records shall at all times be open to the principal teacher of the reservation and its attendance officers who may inspect and copy the same and any teacher shall answer all lawful inquiries made by them. A wilful neglect or refusal to keep such a record or answer such inquiries shall be a misdemeanor.

§ 950. Attendance officers. The principal teacher of the Indian schools on each reservation shall supervise the enforcement of this article within said reservation and shall appoint subject to the approval of the commissioner of education and remove at pleasure such number of attendance officers as the commissioner of education shall deem necessary, whose jurisdictions shall extend over all school districts on the reservation for which they shall be appointed. And said principal teachers are also vested with the same power and authority as the attendance officers appointed by them.

§ 951. Arrest of truants. Any attendance officer may arrest without warrant anywhere within the state, any Indian child between six and sixteen years of age, found away from his home and who is then a truant from instruction upon which he is lawfully required to attend within the districts of which such attendance officer has jurisdiction. He shall forthwith deliver a child so arrested either to the person in parental relation to the child, or to the teacher of the school from which said child is then a truant, or in case of habitual or incorrigible truants, shall bring them before a magistrate for commitment to a truant school, as provided in the next section.

§ 952. Commissioner of education to contract for keeping of truants. The commissioner of education may contract with any city or district having a truant school, for the confinement, maintenance and instruction therein of any child who shall be committed to such school as a truant by any magistrate before whom such child shall have been examined upon the charge of truancy. The costs and expenses attending the support and maintenance of any truant, as herein provided, shall be audited by the commissioner of education and paid in the same manner as the expenses of supporting and maintaining the schools on said reservation are paid.

§ 953. Enumeration. The commissioner of education shall cause to be taken a complete enumeration of the Indian inhabitants on said reservation; such enumeration to be taken between the first day of May and the first day of August which shall be tabulated showing the name and age of each Indian person on said reservations and in what school district each of such persons resides. The commissioner of education may require any of the teachers employed in the schools on such Indian reservations or other persons to take such enumeration.

§ 954. Payment of services herein required. Each of the attendance officers herein provided for shall receive such sum per day as shall be fixed by the commissioner of education for each day necessarily employed in enforcing this article; and each person employed in taking and tabulating the census of the residents of said reservations, shall be entitled to receive such compensation as the commissioner of education shall allow. The compensation of truant officers and the expense in taking the enumeration herein provided for shall be audited by the commissioner of education and paid in the same manner as other accounts for the support and maintenance of the schools on said reservations are now paid.

ARTICLE 38

Instruction of Deaf-Mutes and of the Blind

Section 970. Duties of commissioner of education.
971. Persons eligible as pupils to institutions for instruction of the deaf and dumb.
972. Persons eligible as pupils to institutions for instruction of the blind.
973. Support and term of instruction of state pupils.
974. Regulations for admission.
975. Clothing for state pupils.
976. Aid for blind and deaf students.
977. Indigent deaf-mute children.
978. Deaf-mute children improperly cared for.
979. Maintenance of children.
980. Payment of expenses of tuition and maintenance.

§ 970. Duties of commissioner of education. All the institutions for the instruction of the deaf and dumb, and blind, and all other similar institutions, incorporated under the laws of the state, or that may be hereafter incorporated, shall be subject to the visitation of the commissioner of education, and it shall be his duty:

1. To inquire into the organization of the several schools and the method of instruction employed therein.

2. To prescribe courses of study and methods of instruction that will meet the requirements of the state for the education of state pupils.

3. To make appointments of pupils to the several schools, to transfer such pupils from one school to another as circumstances may require; to cancel appointments for sufficient reason.

4. To ascertain by a comparison with other similar institutions, whether any improvements in instruction and discipline can be made; and for that purpose to appoint from time to time, suitable persons to visit the schools.

5. To suggest to the directors of such institutions and to the legislature such improvements as he shall judge expedient.

6. To make an annual report to the legislature on all the matters before enumerated, and particularly as to the condition of the schools, the improvement of the pupils, and their treatment in respect to board and lodging.

§ 971. Persons eligible as pupils to institutions for instruction of the deaf and dumb. All deaf and dumb persons resident in this state and upwards of twelve years of age, who shall have been resident in this state for one year immediately preceding the application, or, if a minor, whose parent or parents, or, if an orphan, whose nearest friend shall have been resident in this state for one year immediately preceding the application, shall be eligible to appointment as state pupils in one of the deaf and dumb institutions of this state, authorized by law to receive such pupils.

§ 972. Persons eligible as pupils to institutions for instruction of the blind. All blind persons of suitable age and possessing the other qualifications prescribed for deaf and dumb state pupils under section nine hundred and twenty-one shall be eligible to appointment to the institutions for the blind in the city of New York, or in the village of Batavia, as follows:

1. All such as are residents of the counties of New York, Kings, Queens, Suffolk, Nassau, Richmond, Westchester, Putnam and Rockland, shall be sent to the institution for the blind in the city of New York.

2. All such who reside in other counties of the state shall be sent to the institution for the blind in the village of Batavia. Blind babies and children, not residing in the city of New York, of the age of twelve years and under and possessing the other qualifications prescribed in the preceding section of this chapter and requiring kindergarten training and instruction shall be eligible to appointment as state pupils in one of the homes for blind babies and children maintained by the International Sunshine Society, Brooklyn Home for the Blind, Crippled and Defective Children and the Catholic Institute for the Blind and any such

child may be transferred to the institution for the blind in the city of New York or village of Batavia, to which he or she would otherwise be eligible to appointment, upon arriving at suitable age, in the discretion of the commissioner of education. All such appointments, with the exception of those to the institution for the blind in the village of Batavia, shall be made by the commissioner of education upon application, and in those cases in which, in his opinion, the parents or guardians of the applicants are able to bear a portion of the expense, he may impose conditions whereby some proportionate share of expense of educating and clothing such pupils shall be paid by their parents, guardians or friends, in such manner and at such times as the commissioner shall designate, which conditions he may modify from time to time, if he shall deem it expedient to do so. [*Amended by L.* 1912, *ch.* 60.]

§ 973. Support and term of instruction of state pupils. 1. Each pupil so received into any of the institutions aforesaid shall be provided with board, lodging and tuition; and the directors of the institution shall receive an annual appropriation for each pupil so provided for, in quarterly payments, to be paid by the treasurer of the state, on the warrant of the comptroller, to the treasurer of said institution, on his presenting a bill showing the actual time and number of such pupils attending the institution, which bill shall be signed by the president and secretary of the institution, and verified by their oaths.

2. The regular term of instruction of such pupils shall be five years; but the commissioner of education may, in his discretion, extend the term of any pupil for a period not exceeding three years. It shall also be lawful for the commissioner of education to continue such pupils as state pupils for an additional period of three years for the purpose of pursuing a course of study in the higher branches of learning. The number of pupils continued each year in such course shall not exceed thirty in any one institution and such pupils must be recommended by the trustees of the institution in which they are attendant, before such extension of time is granted. The pupils provided for in this section and in sections nine hundred and seventy-one and nine hundred and seventy-two of this article shall be designated state pupils; and all the existing provisions of law applicable to state pupils now in said institutions shall apply to pupils herein provided for. [*Subdivision amended by L.* 1912, *ch.* 60, *and L.* 1912, *ch.* 223, *in effect April* 8, 1912.]

§ 974. Regulations for admission. The commissioner of education may make such regulations and give such directions to parents and guardians, in relation to the admission of pupils into either of the above-named institutions, as will prevent pupils entering the same at irregular periods.

§ 975. Clothing for state pupils. 1. The supervisors of any county in this state from which county state pupils may be hereafter appointed to any institution for the instruction of the deaf and dumb, whose parents or guardians are unable to furnish them with suitable clothing, are hereby authorized and required to raise in each year for each such pupil from said county, the sum of thirty dollars.

2. The supervisors of any county in this state from which state pupils shall be sent to and received in the New York institution for the blind, whose parents or guardians shall, in the opinion of the commissioner of education, be unable to furnish them with suitable clothing are hereby authorized and directed, in every year while such pupils are in said institution, to raise and appropriate thirty dollars for each of said pupils, and to pay the sum so raised to the said institution, to be by it applied to furnishing such pupils with suitable clothing while in said institution.

3. If in any case all or any of said moneys are not expended before the expiration of the periods of appointment of such pupils, then the unexpended residue shall go into the general clothing fund of the said institution, to be by it devoted to furnishing state pupils with suitable clothing.

4. If said sums shall not be paid to the said institution within six months after the annual meeting of the supervisors of any of said counties, the sums so unpaid shall bear interest at the rate of seven per centum per annum, from the expiration of said six months until the same be paid.

5. The supervisors of any county in this state from whose pauper institutions pupils shall be sent to the said institution for the blind, shall raise, appropriate and pay to the order of the comptroller of the state, towards the expense of educating and clothing such pupils, a sum equal to that which the county would have to pay to support the pupils as paupers at home. This subdivision does not apply to the counties of New York, Kings, Queens, Nassau and Suffolk.

6. The supervisors, or officers corresponding thereto, of the counties of New York, Kings, Queens, Nassau and Suffolk, from which state pupils shall be sent to and received in the New York

institution for the blind, whose parents or guardians shall, in the opinion of the commissioner of education, be unable to furnish them with suitable clothing, are hereby authorized and directed, in every year while such pupils are in said institution, to raise and appropriate fifty dollars for each of said pupils from said counties, respectively, and to pay the sum so raised to the said institution, to be by it applied to furnishing such pupils with suitable clothing while in said institution.

7. If in any year hereafter there shall be any surplus of the amount above required to be paid yearly by the said counties for clothing for pupils from said counties, respectively, then such surplus shall be deducted pro rata the ensuing year from the amount above required to be paid by the said counties respectively.

§ 976. Aid for blind and deaf students. 1. Whenever a blind or deaf person, who is a citizen of this state and a pupil in actual attendance at a college, university, technical or professional school located in this state and authorized by law to grant degrees, other than an institution established for the regular instruction of the blind or deaf, shall be designated by the trustees thereof as a fit person to receive the aid hereinafter provided for, there shall be paid by the state for the use of such pupil the sum of three hundred dollars per annum with which to employ persons to read to such blind pupil from textbooks and pamphlets used by such pupil in his studies at such college, university or school, or to aid a deaf student in receiving instruction in such studies.

2. Such money shall be paid annually, after the beginning of the school year of such institution, by the treasurer of the state on the warrant of the comptroller, to the treasurer of such institution, on his presenting an account showing the actual number of blind or deaf pupils matriculated and attending the institution, which account shall be verified by the president of the institution and accompanied by his certificate that the trustees have recommended the pupils named in said account as hereinbefore provided.

3. The trustees of any of the said institutions shall recommend no blind or deaf person, who is not regularly matriculated, and who is not in good and regular standing, and who is not working for a degree from the institution in which he is matriculated; and no blind or deaf person shall be recommended, who is not doing the work regularly prescribed by the institution for the

degree for which he is a candidate. The moneys so paid to any such institution shall be disbursed for the purposes aforesaid by and under the direction of its board of trustees. [*Amended by L.* 1913, *ch.* 175, *in effect April* 3, 1913.]

§ 977. Indigent deaf-mute children. Whenever a deaf-mute child under the age of twelve years shall become a charge for its maintenance on any of the towns or counties of this state, or shall be liable to become such charge, it shall be the duty of the overseers of the poor of such town or of the board of supervisors of such county to place such child in one of the institutions enumerated in the next section.

§ 978. Deaf-mute children improperly cared for. Upon the application of any parent, guardian or friend of a deaf-mute child, within this state, over the age of five years and under the age of twelve years, the overseer of the poor or the supervisor of the town where such child may be, shall place such child in one of the institutions authorized by the laws of eighteen hundred and ninety-two, chapter thirty-six, to receive such pupils, as follows:

1. The New York institution for the deaf and dumb; or,
2. The institution for the improved instruction of deaf-mutes; or,
3. The Le Couteulx Saint Mary's institution for the improved instruction of deaf-mutes in the city of Buffalo; or,
4. The Central New York institution for deaf-mutes in the city of Rome; or,
5. The Albany home school for the oral instruction of the deaf at Albany; or,
6. To any other institution in the state for the education of deaf-mutes as to which the state board of charities shall have filed with the commissioner of education a certificate to the effect that said institution has been duly organized and is prepared for the reception and instruction of such pupils.

§ 979. Maintenance of children. The children placed in said institutions, in pursuance of the last two sections, shall be maintained therein at the expense of the county from whence they came, provided that such expense shall not exceed three hundred and twenty-five dollars each per year, until they attain the age of twelve years, unless the directors of the institution to which a child has been sent shall find that such child is not a proper subject to remain in said institution. [*Thus amended by L.* 1910, *ch.* 322, *in effect May* 18, 1910.]

§ 980. Payment of expenses of tuition and maintenance. The expenses for the board, tuition and clothing for such deaf-mute children, placed as aforesaid in said institutions, not exceeding the amount of three hundred and twenty-five dollars per year, above allowed, shall be raised and collected as are other expenses of the county from which such children shall be received; and the bills therefor, properly authenticated by the principal or one of the officers of the institution, shall be paid to said institution by the said county; and its county treasurer or chamberlain, as the case may be, is hereby directed to pay the same on presentation, so that the amount thereof may be borne by the proper county. [*Thus amended by L.* 1910, *ch.* 322, *in effect May* 18, 1910.]

ARTICLE 39
New York State School for the Blind

Section 990. Change of name.
991. Requisites for admission.
992. Applicants from without the state.
993. Applications for admission.
994. Object of institution.
995. Appointment and terms of trustees.
996. Filling vacancies.
997. Trustees entitled to mileage; disabilities.
998. General powers of trustees.
999. Officers, committees and seal.
1000. Secretary.
1001. Treasurer's duties and bond.
1002. Appointment of superintendent, instructors and assistants.
1003. Purchase of equipment.
1004. Duty to provide clothing and pay traveling expenses.
1005. Charges against county.
1006. Accounts against counties and payment thereof.
1007. Reimbursement of counties.
1008. Entitled to publications and may receive bequests and donations.
1009. Records and annual reports.
1010. Payments by state treasurer.
1011. Drafts upon state treasury.
1012. Consent of trustees to construction of sewers.

§ 990. Change of name. The New York state institution for the blind as the same was authorized to be established by chapter five hundred and eighty-seven of the laws of eighteen hundred and sixty-five and the acts supplemental thereto and renamed the "New York state school for the blind" by laws of eighteen hundred and ninety-five, chapter five hundred sixty-three, shall continue to be known and designated as the "New York state school for the blind."

§ 991. Requisites for admission. All blind persons of suitable age and capacity for instruction, who are legal residents of the state, shall be entitled to the privileges of the New York state school for the blind, without charge, and for such a period of time in each individual case as may be deemed expedient by the board of trustees of said school; provided, that whenever more persons apply for admission at one time than can be properly accommodated in the school, the trustees shall so apportion the number received, but each county may be represented in the ratio of its blind population to the total blind population of the state; and provided further, that the children of citizens who died in the United States service, or from wounds received therein during the late rebellion, shall take precedence over all others.

§ 992. Applicants from without the state. Blind persons from without the state may be received into the school upon the payment of an adequate sum, fixed by the trustees, for their boarding and instruction; provided that such applicant shall in no case exclude those from the state of New York.

§ 993. Applications for admission. Applications for admission into the school shall be made to the board of trustees in such manner as they may direct, but the board shall require such application to be accompanied by a certificate from the county judge or county clerk of the county or the supervisor or town clerk of the town, or the mayor of the city where the applicant resides, setting forth that the applicant is a legal resident of the town, county and state claimed as his residence.

§ 994. Object of institution. The primary object of the school shall be, to furnish to the blind children of the state the best known facilities for acquiring a thorough education, and train them in some useful profession or manual art, by means of which they may be enabled to contribute to their own support after leaving the school; but it may likewise, through its industrial department, provide such of them with appropriate employment and

boarding accommodations as find themselves unable, after completing their course of instruction and training, to procure these elsewhere for themselves. It shall, however, be in no sense an asylum for those who are helpless from age, infirmity or otherwise, or a hospital for the treatment of blindness.

§ 995. Appointment and terms of trustees. The governor shall continue, each alternate year, to appoint, by and with the consent of the senate, three trustees who shall serve for a term of six years. Two of the board must be residents of the county of Genesee, and a majority must be residents within fifty miles of said school.

§ 996. Filling vacancies. In case of the declination of any member of said board of trustees to act under his appointment, or of the occurrence of any other casual vacancy in the board, the governor shall forthwith appoint some suitable person to fill such vacancy, and the member so appointed shall serve out the term of his predecessor.

§ 997. Trustees entitled to mileage; disabilities. The trustees shall receive no compensation as such, but they may allow themselves mileage, at the same rate as that paid to members of the legislature, for any distance actually traveled in the service of the school. Nor shall any trustee be pecuniarily interested in any contract for buildings pertaining to the school, or in furnishing supplies therefor.

§ 998. General powers of trustees. The board of trustees shall have charge of all the affairs of the school, with power to make all necessary by-laws and regulations for their government and the proper management of the school, as well as for the admission of pupils, and to do all else which may be found necessary for the advancement of its humane design.

§ 999. Officers, committees and seal. They shall elect from their own number a president and treasurer, together with such standing committees as they may deem necessary, and adopt a common seal for the school.

§ 1000. Secretary. The board of trustees may elect a secretary, who shall serve during the pleasure of the board, and who shall not be a member thereof, and may fill any vacancy in the said office as often as the same shall occur, and may prescribe his duties and fix his compensation.

§ 1001. Treasurer's duties and bond. 1. The treasurer shall have the custody of all the funds of the school, and pay out the same only upon properly authenticated orders of the board or executive committee.

2. Before entering upon the duties of his office, he shall execute and file in the office of the comptroller, a bond with such sureties and in such amount of penalty as the comptroller shall require and approve, conditioned for the faithful discharge of his duties as such treasurer.

§ 1002. Appointment of superintendent, instructors and assistants. The trustees shall have power to appoint a competent and experienced superintendent, who shall be the chief executive officer of the school, together with an efficient corps of instructors and other subordinate officers; prescribe the duties and terms of service of the same; fix and pay their salaries, and for just cause, remove any or all of them from office. They shall likewise employ the requisite number of servants and other assistants in the various departments of the school and pay the wages of the same.

§ 1003. Purchase of equipment. They shall purchase all furniture, apparatus and other supplies necessary to the equipment and carrying on of the school in the most efficient manner.

§ 1004. Duty to provide clothing and pay traveling expenses. 1. When any blind person shall, upon proper application, be admitted into the school, it shall be the duty of his parents, guardians or other friends, to suitably provide such person with clothing at the time of entrance and during continuance therein, and likewise to defray his traveling expenses to and from the school, at the time of entrance and discharge, as well as at the beginning and close of each session of the school, and at any other time when it shall become necessary to send such person home on account of sickness or other exigency.

2. Whenever it shall be deemed *necesary by the trustees to have such person permanently removed from the school, in accordance with the by-laws and regulations thereof, the same shall be promptly removed upon their order, by his parents, guardians or other friends.

§ 1005. Charges against county. 1. If the friends of any pupil from within the state of New York shall fail through neglect or inability to provide the same with proper clothing or with funds to defray his necessary traveling expenses to and from the school, or to remove him therefrom, as required in the preceding section, the trustees shall furnish such clothing, pay such

* So in original.

traveling expenses, or remove such pupil to the care of the overseers of the poor of his township, and charge the cost of the same to the county to which the pupil belongs, provided that the annual amount of such expenditures on account of any one pupil shall not exceed the sum of sixty dollars.

2. And in case of the death of any pupil at the school, whose remains shall not be removed or funeral expenses borne by the friends thereof, the trustees shall defray the necessary burial expenses, and charge the same to his county as aforesaid.

3. Upon the completion of their course of training in the industrial department, the trustees may furnish to such worthy poor pupils as may need it, an outfit of machinery and tools for commencing business, at a cost not exceeding seventy-five dollars each, and charge the same to the proper county as aforesaid.

§ 1006. Accounts against counties and payment thereof. On the first day of October in each year, the trustees shall cause to be made out against the respective counties concerned, itemized accounts, separate in each case, of the expenditures authorized by the preceding section, and forward the same to the board of supervisors chargeable with the account. The board shall thereupon direct the county treasurer to pay the amount so charged to the treasurer of the school for the blind, on or before the first day of March next ensuing.

§ 1007. Reimbursement of counties. The counties against which the said accounts shall be made out as aforesaid, shall cause their respective treasurers, in the name of their respective counties, to collect the same, by legal process, if necessary, from the parents or estates of the pupils who have the ability to pay, on whose account the said expenditures shall have been made; provided that at least five hundred dollars' value of the property of such parents or estate shall be exempt from the payment of the accounts aforesaid.

§ 1008. Entitled to publications and may receive bequests and donations. The school shall be entitled to receive copies of all books and other publications which are distributed gratuitously by the state to township or county libraries, common schools, academies, colleges and societies. It may also receive in the name of the state, bequests or donations of money or any kind of property, but such money or property shall, in all cases, belong to the state, and be subject to its control; provided that the same shall not be diverted from the particular object for which it shall be bequeathed or donated.

§ 1009. Records and annual reports. The board of trustees shall keep full and complete records of their proceedings, and make an annual report of the same to the legislature, at the commencement of the regular session thereof, strictly accounting in detail for their expenditures, on account of the school, during the preceding fiscal year of the state, setting forth the progress and condition of the several departments of the school, making such suggestions concerning its future management as they may deem essential, and submitting proper estimates of the funds needed for its support, as well as for building and all other purposes.

§ 1010. Payments by state treasurer. The state treasurer is hereby directed to pay over to the board of trustees, upon the warrant of the comptroller, all moneys which shall hereafter be appropriated on account of the New York state school for the blind; the general appropriations for the current support of the school, to be paid in equal quarterly installments, and specific appropriations for building and other purposes, to be paid when needed by the trustees.

§ 1011. Drafts upon state treasury. All drafts upon the state treasury on behalf of the school shall be based upon orders of the board of trustees, signed by the president and secretary of the same, and attested by the common seal of the school.

§ 1012. *Consent of trustees to construction of sewers. The board of trustees of the New York state school for the blind shall have power and authority to grant to the village of Batavia a license to lay, construct and maintain as a part of the general sewer system of such village, a sewer or sewers in, through, under and along the lands of such school in the village of Batavia, upon such conditions as such board may prescribe. [*Thus amended by L.* 1910, *ch.* 53.]

ARTICLE 40

Cornell University

Section 1030. Cornell university continued.
1031. Trustees; election of trustees.
1032. Extent of farm and grounds; special constables.
1033. Objects and powers of the corporation.
1034. Extent to which property may be held.

* This section was added to the former Education Law as § 962. It is inserted in its proper place in this article.

Section 1035. Trustees shall make reports; university subject to visitation of regents.
1036. Restrictions on alienation of property.
1037. State scholarship in Cornell university.
1038. New York state veterinary college.
1039. New York state college of agriculture.

§ 1030. Cornell university continued. The corporation known as Cornell university, located at Ithaca, is continued with all the rights, and subject to all the liabilities contained in the act of incorporation, being laws of eighteen hundred and sixty-five, chapter five hundred and eighty-five, as amended.

§ 1031. Trustees; election of trustees. 1. The board of trustees of said Cornell university shall hereafter be made up and constituted as follows: the governor, the lieutenant-governor, the speaker of the house of assembly, the commissioner of education, the president of the state agricultural society, the commissioner of agriculture, the librarian of the Cornell library and the president of the said university, shall be trustees thereof ex-officio, and the eldest lineal male descendant of Ezra Cornell shall be a trustee thereof during his life. To fill the vacancies in the board existing among the elective trustees prior to this enactment, the governor shall appoint five trustees subject to confirmation by the senate, one of whom shall be appointed to serve for one year, one for two years, one for three years, one for four years, and one for five years, the term of office of each of whom shall commence at the beginning of the commencement week next succeeding his appointment. Prior to the expiration of the term of office of the trustee appointed for one year as above provided and annually thereafter, the governor shall appoint, subject to confirmation by the senate, one trustee for the term of five years, whose term of office shall begin at the expiration of the term of the retiring trustee. In the event of a vacancy occurring among the trustees appointed by the governor, by death or otherwise, the governor, subject to confirmation by the senate, as provided aforesaid, shall appoint a trustee to fill the vacancy for the unexpired term. There shall also be twenty-six elective trustees, fifteen of whom shall be elected by the board of trustees, and ten by the alumni of said university, and one each year by the executive committee of the New York state grange to be elected at the time of the annual meeting of said grange, such trustee so elected to be elected for a term of one year, his term of

office to commence at the beginning of the first commencement week subsequent to his election; but at no time shall a majority of the board be of any one religious sect or of no religious sect.

2. The board of trustees shall elect each year three trustees, and as many more as may be necessary to fill vacancies, among members elected by them caused by resignation or death. The alumni of said university shall meet annually in Ithaca, on the day within the seven days before commencement, designated by the directors of the Associate Alumni of Cornell University at their regular preceding November meeting. In case the directors at such meeting fail to designate a day, the meeting shall be had upon the same day prior to commencement as that on which it was held in the preceding year. At the meeting of the alumni at each annual commencement said alumni shall elect two trustees, and as many more as may be necessary to fill vacancies arising from resignations or deaths among the number previously elected by them. Except as herein otherwise provided the term of office of each elective trustee shall be five years from the annual commencement at which he is elected; but if elected by the board of trustees at a meeting thereof during the academic year, his term shall then be five years from the commencement immediately preceding his election; but every trustee shall hold over until his successor is elected or appointed as above provided. [*Subdivision amended by L.* 1912, *ch.* 248 *and by L.* 1913, *ch.* 423, *in effect April* 30, 1913.]

3. The election of trustees by the board shall be by ballot, and fifteen ballots shall concur before any one is elected; and twelve shall constitute a quorum for the transaction of business. Who shall be alumni of said university shall be prescribed by its board of trustees. The election of trustees by the alumni shall be by ballot, and shall be conducted in the following manner and under the following provisions: A register of the signature and address of each of the said alumni of the said university shall be kept by the treasurer of the said university at his business office. Any ten or more alumni may file with the treasurer, on or before the first day of April in each year, written nominations of the trustees to be elected by the alumni at the next commencement. Forthwith after such first day of April a list of such candidates shall be mailed by said treasurer to each of the alumni at his address. Such list shall state the vacancies, if any, then existing in the alumni membership of the board of trustees; and the vacancies

that will occur by expiration of term at the next ensuing commencement. Each alumnus may vote by transmitted ballot for trustees to be elected by the alumni at any commencement, in accordance with such regulations as to the method and time of voting as may be prescribed by the alumni and approved by the trustees of the university or its executive committee. The candidates to the extent of the number of places to be filled having the highest number of votes upon the first ballot shall be declared elected, provided that each of said candidates has received the votes of at least one-third of all the alumni voting at said election. Of the alumni trustees thus elected, the two receiving the highest number of votes shall fill the vacancies occurring by expiration of term; the others thus elected shall be allotted to fill vacancies, if any, existing otherwise than by expiration of term; the order of allotment to be in the order of the number of votes cast, the candidate receiving the highest number of votes to be allotted the longer unexpired term; but if there shall be a failure to fill all or one or more of the vacancies, caused by expiration of term or otherwise, by reason of the fact that one or more candidates having the highest number of votes as above fail to receive the votes of at least one-third of the alumni voting, then and in that event such vacancies shall be filled by the alumni personally present at said meeting, the election being limited to candidates not elected on the first ballot, if there is a sufficient number thereof, having the highest pluralities, not exceeding two candidates for each place thus to be filled. If any vacancy occur in the alumni membership of the board of trustees, between the last day fixed herein for the filing of nominations with the university treasurer, and the time of the annual meeting of the alumni, herein provided for, then such vacancy shall not be filled for the unexpired term until the next following year, and shall then be filled by nomination and election in the manner hereinbefore prescribed for the election of alumni trustees. [*Amended by L.* 1912, *ch.* 248.]

§ 1032. Extent of farm and grounds; special constables. The farm and grounds occupied by said corporation, whereupon its buildings are erected, or shall be erected in such manner and to such extent as the trustees may from time to time direct and provide for, shall consist of not less than two hundred acres. For the protection of the grounds, farm buildings and property of the university, the supervisor of the town of

Ithaca may appoint, upon the recommendation of the board of trustees of said Cornell university, not more than three suitable persons, as special constables, who shall have and exercise within the boundaries of such university grounds, the powers and duties of constables of towns, and whose compensation shall be regulated and paid by said board of trustees of the university.

§ 1033. Objects and powers of the corporation. The leading object of said corporation shall be to teach such branches of learning as are related to agriculture and the mechanic arts, including military tactics, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life. But such other branches of science and knowledge may be embraced in the plan of instruction and investigation pertaining to the university as the trustees may deem useful and proper. Said university is authorized to establish faculties, departments and branches and carry on its work at any places in this state and to confer any and all literary, scientific, technical and professional degrees, and in testimony thereof award certificates and diplomas. Persons of every religious denomination, or of no religious denomination, shall be equally eligible to all offices and appointments.

§ 1034. Extent to which property may be held. The said corporation may take and hold real and personal property to such an amount as may be or become necessary for the proper conduct and support of the several departments of education heretofore established or hereafter to be established by its board of trustees, and such property real and personal as has been, or may hereafter be given to said corporation by gift, grant, devise or bequest in trust or otherwise, for the use and purposes permitted by its charter, and in cases of trusts so created, the several trust estates shall be kept distinct, and the interest or income shall be faithfully applied to the purposes of such trust, in accordance with the provisions of the act or instrument by which the respective trusts were created.

§ 1035. Trustees shall make reports; university subject to visitation of regents. The trustees of said university shall make all the reports and perform such other acts as may be necessary to conform to the act of congress entitled "An act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts" approved July second, eighteen hundred and

sixty-two. The said university shall be subject to visitation of the regents of the university of the state of New York.

§ 1036. Restrictions on alienation of property. The said university grounds, farm, work-shops, fixtures, machinery, apparatus, cabinets and library, shall not be incumbered, aliened or otherwise disposed of by the said trustees, or by any other person, except on terms such as the legislature of the state of New York shall have approved, and any act of the said trustees, or that of any other person which shall have that effect, shall be void.

§ 1037. State scholarships in Cornell university. The several departments of study in Cornell university shall be open to applicants for admission thereto at the lowest rates of expense consistent with its welfare and efficiency, and without distinction as to rank, class, previous occupation or locality. But, with a view to equalize its advantages to all parts of the state, the institution shall receive students to the number of one each year from each assembly district in this state, to be selected as hereinafter provided, and shall give them instruction in any or in all the prescribed branches of study in any department of said institution, free of any tuition fee or of any incidental charges to be paid to said university, unless such incidental charges shall have been made to compensate for materials consumed by said students or for damages needlessly or purposely done by them to the property of said university. The said free instruction shall, moreover, be accorded to said students in consideration of their superior ability, and as a reward for superior scholarship in the academies and public schools of this state. Said students shall be selected as the legislature may from time to time direct, and until otherwise ordered as follows:

1. A competitive examination, under the direction of the education department, shall be held at the county court-house in each county of the state, upon the first Saturday in June, in each year, by the city superintendents and the school commissioners of the county.

2. None but pupils of at least sixteen years of age and of six months' standing in the common schools or academies of the state, during the year immediately preceding the examination, shall be eligible.

3. Such examination shall be upon subjects designated by the president of the university and upon question papers prepared under the direction of the commissioner of education.

4. The city superintendents and school commissioners of each county shall immediately after the close of the examination forward to the commissioner of education all answer papers submitted by candidates in such examination, all statements of candidates and a report of the names of candidates in such form as the commissioner of education shall require.

5. In case any candidate who may become entitled to a scholarship shall fail to claim the same, or shall fail to pass the entrance examination at such university, or shall die, resign, absent himself without leave, be expelled or, for any other reason, shall abandon his right to or vacate such scholarship either before or after entering thereupon, then the candidate certified to be next entitled in the same county shall become entitled to the same. In case any scholarship belonging to any county shall not be claimed by any candidate resident in that county, the commissioner of education may fill the same by appointing thereto some candidate first entitled to a vacancy in some other county. In any such case, the president of the university shall at once notify the commissioner of education and that officer shall immediately notify the candidate next entitled to the vacant scholarship of his right to the same

6. Any state student who shall make it appear to the satisfaction of the president of the university that he requires leave of absence, for the purpose of earning funds with which to defray his living expenses *which in attendance, may, in the discretion of the president, be granted such leave of absence, and may be allowed a period not exceeding six years from the commencement thereof for the completion of his course at said university.

7. In certifying the qualifications of the candidates, preference shall be given, where other qualifications are equal, to the children of those who have died in the military or naval service of the United States.

8. Notices of the time and place of the examinations shall be given in all the schools having pupils eligible thereto, prior to the first day of January in each year, and shall be published once a week, for three weeks, in at least two newspapers in each county immediately prior to the holding of such examinations. The cost of publishing such notices and the necessary expenses of such examination shall be a charge upon each county, respectively, and shall be audited and paid by the board of supervisors thereof.

9. The commissioner of education shall attend to the giving and

* So in original.

publishing of the notices hereinbefore provided for. He may, in his discretion, direct that the examination in any county may be held at some other time and place than that above specified, in which case it shall be held as directed by him. He shall keep full records in his department of all candidates attending such examinations and shall notify candidates of their rights under this chapter. He shall determine any controversies which may arise under the provisions of this chapter. He is hereby charged with the general supervision and direction of all matters in connection with the filling of such scholarships. Students enjoying the privileges of free scholarships shall, in common with the other students of said university, be subject to all the examinations, rules and requirements of the board of trustees or faculty of said university, except as herein provided.

§ 1038. New York state veterinary college. 1. The state veterinary college, established by chapter one hundred and fifty-three of the laws of eighteen hundred and ninety-four, shall continue to be known as the New York state veterinary college. The object of said veterinary college shall be: To conduct investigations as to the nature, prevention and cure of all diseases of animals, including such as are communicable to man and such as cause epizoötics among live stock; to investigate the economical questions which will contribute to the more profitable breeding, rearing and utilization of animals; to produce reliable standard preparations of toxins, antitoxins and other products to be used in the diagnosis, prevention and cure of diseases and in the conducting of sanitary work by approved modern methods; and to give instruction in the normal structure and function of the animal body, in the pathology, prevention and treatment of animal diseases, and in all matters pertaining to sanitary science as applied to live stock and correlatively to the human family.

2. All buildings, furniture, apparatus and other property heretofore or hereafter erected or furnished by the state for such veterinary college shall be and remain the property of the state. The Cornell university shall have the custody and control of said property, and shall, with whatever state moneys may be received for the purpose, administer the said veterinary college, with authority to appoint investigators, teachers and other officers, to lay out lines of investigation, to prescribe the requirements for admission and the course of study and with such other power and authority as may be necessary and proper for the due administration of such veterinary college.

3. Said university shall receive no income, profit or compensation therefor, but all moneys received from state appropriations for the said veterinary college or derived from other sources in the course of the administration thereof, shall be kept by said university in a separate fund from the moneys of the university, and shall be used exclusively for said New York state veterinary college. Such moneys as may be appropriated to be paid to the Cornell university by the state in any year, to be expended by said university in the administration of said veterinary college, shall be payable to the treasurer of Cornell university in three equal payments to be made on the first day of October, the first day of January, and the first day of April in such year, and within thirty days after the expiration of the period for which each instalment is received the said university shall furnish the comptroller of the state of New York satisfactory vouchers for the expenditure of such instalment.

4. The said university shall expend such moneys and use such property of the state in administering said veterinary college, and shall report to the governor during the month of January in each year, a detailed statement of such expenditures and of the general operations of the said veterinary college.

5. No tuition fee shall be required of a student pursuing the regular veterinary course, who for a year or more immediately preceding his admission to said veterinary college shall have been a resident of this state. The tuition fees charged to other students and all other fees and charges in said veterinary college shall be fixed by Cornell university, and the moneys so received shall be expended for the current expenses of the said veterinary college.

§ 1039. New York state college of agriculture. The state college of agriculture, established by chapter six hundred and fifty-five of the laws of nineteen hundred and four, shall continue to be known as the New York state college of agriculture at Cornell university. The object of said college of agriculture shall be to improve the agricultural methods of the state, to develop the agricultural resources of the state in the production of crops of all kinds, in the rearing and breeding of live-stock, in the manufacture of dairy and other products, in determining better methods of handling and marketing such products, and in other ways; and to increase intelligence and elevate the standards of living in the rural districts. For the attainment of these objects the college is authorized to give instruction in the sciences, arts

and practices relating thereto, in such courses and in such manner as shall best serve the interests of the state; to conduct extension work in disseminating agricultural knowledge throughout the state by means of experiments and demonstrations on farms and gardens, investigations of the economic and social status of agriculture, lectures, publication of bulletins and reports, and in such other ways as may be deemed advisable in the furtherance of the aforesaid objects; to make researches in the physical, chemical, biological and other problems of agriculture, the application of such investigations to the agriculture of New York, and the publication of the results thereof. All buildings, furniture, apparatus and other property heretofore or hereafter erected or furnished by the state for such college of agriculture shall be and remain the property of the state. The Cornell university shall have the custody and control of said property, and shall, with whatever state moneys may be received for the purpose, administer the said college of agriculture, with authority to appoint investigators, teachers and other officers and employees, to lay out lines of investigation, to prescribe the requirements for admission and the course of study and with such other power and authority as may be necessary and proper for the due administration of such college of agriculture. Said university shall receive no income, profit or compensation therefor, but all moneys received from state appropriations for the said college of agriculture or derived from other sources in the course of the administration thereof, shall be credited by said university to a separate fund, and shall be used exclusively for said New York state college of agriculture. Such moneys as may be appropriated to be paid to the Cornell university by the state in any year, to be expended by said university in the administration of said college of agriculture, shall be payable to the treasurer of Cornell university in three equal payments to be made on the first day of October, the first day of January, and the first day of April in such year, and within sixty days after the expiration of the period for which each instalment is received the said university shall furnish the comptroller vouchers approved by the commissioner of agriculture for the expenditures of such instalment. The said university shall expend such moneys and use such property of the state in administering said college of agriculture as above provided, and shall report to the commissioner of agriculture in each year on or before the first day of December, a detailed statement of such

expenditures and of the general operations of the said college of agriculture for the year ending the thirtieth day of September then next preceding. Fees and charges in said college of agriculture shall be fixed by Cornell university, and the moneys received from these sources and from the sales of products shall be credited to a separate fund and shall be used for the current expenses of the said college of agriculture.

ARTICLE 41

State School of Agriculture at Saint Lawrence University

Section 1050. Corporate name.
1051. Objects and purposes of school.
1052. Supervision and control of school.
1053. Maintenance.

§ 1050. Corporate name. The school of agriculture established by chapter six hundred and eighty-two of the laws of nineteen hundred and six shall continue to be known as the New York State School of Agriculture of The Saint Lawrence University. [*Thus amended by L.* 1910, *ch.* 443, *in effect June* 8, 1910.]

§ 1051. Objects and purposes of school. Such school shall have for its objects and purposes:

1. The elementary and practical instruction of pupils attending such school in agriculture and allied subjects.

2. The giving of instruction by means of schools, lectures and other university extension methods for the promotion of agricultural knowledge.

3. The conducting of investigations and experiments for the purpose of ascertaining the best method of fertilization of fields, gardens and plantations and the best modes of tillage and farm management and improvement of live-stock.

4. The printing of leaflets and the dissemination of agricultural knowledge by means of lectures and otherwise; the printing and free distribution of the results of such investigations and experiments, and the publication of bulletins containing such information as may be deemed desirable and profitable in promoting the agricultural interests of the state, such work to be conducted as far as practicable in harmony with the college of agriculture at Cornell university.

§ 1052. Supervision and control of school. The board of trustees of The Saint Lawrence university shall have the general care, supervision and control of such school, and of all its affairs, and to carry out its object and purposes shall:

1. Employ and at pleasure remove officers, teachers, clerks, assistants and such other persons as it shall deem necessary to the proper conduct of said school; and fix their compensation.

2. Adopt rules not inconsistent with law controlling the affairs of such school.

3. Prescribe the courses of instruction and the methods of investigation and experiments to be followed in such school.

4. Acquire by deed, gift, devise, or lease, real property suitable for practical and experimental agriculture, horticulture and forestry, and manage the same for the benefit of said school, devoting any income that may be derived therefrom to the maintenance thereof, provided, however, that no land shall be purchased with funds furnished by the state, unless a special appropriation is made therefor. [*Thus amended by L.* 1910, *ch.* 443, *in effect June* 8, 1910.]

§ 1053. Maintenance. 1. Prior to the first day of October in each year the treasurer of The Saint Lawrence university shall file with the comptroller his bond, with an incorporated surety company authorized to do business in the state of New York as surety, in a penalty equal to one-fourth of the amount appropriated by the legislature for the maintenance of said agricultural school for the succeeding year, conditioned that he will faithfully account for all moneys received by him during the next state fiscal year. After the filing of said bond, the comptroller shall pay over to the said treasurer on the first days of each of the months of October, January, April and July next succeeding, one-fourth part of said appropriation.

2. All bills for the maintenance of said school shall be examined and audited by the executive committee of said board of trustees; and when so audited and properly certified by the president and secretary of said board, and the audit approved by the commissioner of agriculture, the amount thereof shall be credited by the comptroller against the funds theretofore advanced to said treasurer as above provided. [*Added by L.* 1910, *ch.* 443, *in effect June* 8, 1910.]

ARTICLE 41-a

State School of Agriculture and Domestic Science at Delhi

(*Article added by L.* 1913, *ch.* 675.)

Section 1055. Establishment of school.
1056. Management and control.
1057. Powers and duties of board of control.
1058. Objects and purposes of school.
1059. Tuition and fees.
1060. Reports.

§ 1055. Establishment of school. There is hereby established an agricultural and domestic science school, to be located at Delhi, Delaware county, and which shall be designated as the State School of Agriculture and Domestic Science at Delhi.

§ 1056. Management and control. The care, management and control of said school, property and premises shall be exercised by a board of control, composed of seven trustees. The state commissioner of agriculture and the director of the New York State Agricultural School at Cornell University shall, ex officio, be members of such board. The other five trustees shall be appointed by the governor by and with the consent of the senate. At least two of such trustees shall be residents of the county of Delaware and one of such trustees shall be a person recommended by the state grange, if such recommendation be made. Two of such appointed trustees shall be appointed for a term of two years each and three for a term of four years each. Upon the expiration of the terms of office of such appointed trustees their successors shall be appointed for a term of four years each. Such trustees shall serve for the terms for which they are respectively appointed and until their successors have been appointed and qualified. In case of any vacancy in the office of any trustee his successor shall be appointed for the unexpired term for which he was appointed. Such trustees shall serve without compensation.

§ 1057. Powers and duties of board of control. The board of control so appointed by the governor shall have the general care, supervision and control of such school and its management and all of its property and affairs, and, to carry out its objects and purposes, shall:

1. Employ and remove teachers, experts, chemists and all necessary clerks, employees and assistants.

2. Adopt rules not inconsistent with the law controlling the affairs of such school.

3. Adopt rules not inconsistent with the law for their own government.

4. Prescribe the course of instruction and the methods of investigation and experiments to be followed in such school.

§ 1058. Objects and purposes of school. The said school shall have for its objects and purposes:

1. The practical instruction of pupils attending such school in agriculture and allied subjects.

2. The practical instruction of pupils attending such school in domestic science and allied subjects.

3. The giving of an elementary and preparatory course of instruction in agriculture and agricultural science in preparation for the advanced courses in the State School of Agriculture at Cornell University, and also the giving of a more advanced course of practical instruction for the carrying on of agricultural pursuits to such as do not desire to take a course at said university.

4. The conducting of investigations and experiments in southeastern New York for the purpose of ascertaining the best methods of fertilizing fields, gardens and farms, the best methods of tillage and farm management, the best methods of caring for and improving live stock, the best methods of raising the standard of milk production, and for the purpose of stimulating agricultural pursuits and dairying interests and increasing knowledge by which such industries may be successfully carried on.

§ 1059. Tuition and fees. Students who have been bona fide residents of the state of New York for one year preceding the date of their admission to said school shall be entitled to free tuition. Other fees, if any, in the said school, and any moneys received for tuition from students not residents of the state of New York, or from the sale of products, or from any other source, shall be reported and forwarded monthly to the state treasurer as required by the state finance law, and may be reappropriated toward the maintenance of said school.

§ 1060. Reports. The board of control shall report to the commissioner of agriculture annually, on or before the first day of December, a detailed statement of all expenditures and of the general operations of the said school for the year ending the

thirtieth day of June then next preceding; and a copy of such report shall be transmitted to the legislature. [*Amended by L.* 1916, *ch.* 118, *in effect April* 3, 1916.]

L. 1913, *ch.* 675, § 2. The sum of fifty thousand dollars ($50,000), or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose of purchasing such suitable land at Delhi, Delaware county, New York, as may be necessary for the requirements of the State School of Agriculture and Domestic Science at Delhi, created and established by the provisions of article forty-one-a of the education law, as added by this act, in addition to the land which is already set aside by the board of trustees of Delaware academy, and for the purpose of erecting all necessary buildings; for providing appurtenances and apparatus: for the purchase of farm implements and live stock, and for all other equipment and supplies necessary for said school. The purchase of all lands shall be approved by the commissioner of agriculture, and the title thereto shall be conveyed to the people of the state of New York. The sufficiency of title and the form of conveyance shall be approved by the attorney-general. If it should be deemed necessary or desirable to use any portion of the moneys appropriated by this act for the purpose of constructing any building or buildings upon the lands which is herein referred to as having been set aside by the trustees of Delaware academy for the use of the State School of Agriculture and Domestic Science at Delhi, then the title to this land must be conveyed to the people of the state of New York by the board of trustees of Delaware academy, without cost to the state, before such buildings may be constructed thereon. If such conveyance should be found necessary in order to vest the title of the land in question in the people of the state, the sufficiency of title and form of conveyance shall be approved, as to form and manner of execution, by the attorney-general, and the board of trustees of Delaware academy is hereby authorized and empowered to convey without consideration to the people of the state of New York the land in question, located at Delhi, Delaware county, New York, if the attorney-general finds such conveyance necessary for the carrying out of the purposes of this act.

§ 3. The amount hereby appropriated shall be paid by the state treasurer upon the warrant of the comptroller upon vouchers approved by the commissioner of agriculture, to the board of control of said school, to be expended by it as agent of the state in pursuance of this act. The state architect shall prepare plans and specifications and shall control, as architect, all work of construction authorized by this act, but such plans and specifications shall be subject to the approval of the commissioner of agriculture and the board of control of said school, as constituted pursuant to the provisions of article forty-one-a of the education law, as added by this act. The erection of such buildings as are deemed necessary by the commissioner of agriculture and the board of control for the establishment of such school shall be done by contract except work which in the opinion of the trustees can be done in whole or in part more advantageously by the employment of labor and the purchase of material in the open market. All buildings constructed, lands and property purchased or acquired under the provisions of this act, and all buildings, land and property hereafter acquired with moneys appropriated by the state or otherwise shall be and remain the property of the state. All expenditures under this act shall be made in such manner as shall be prescribed by the state architect, the state commissioner of agriculture and the said board of control. Money herein appropriated shall only be advanced to the board of control of such school as the work progresses or the purchase of land or material is made and upon bills duly certified, rendered and audited.

ARTICLE 42

State School of Agriculture at Alfred University

Section 1070. Corporate name.
1071. Objects and purposes of school.
1072. Supervision and maintenance of school.

§ 1070. Corporate name. The school of agriculture established by chapter two hundred of the laws of nineteen hundred and eight shall continue to be known as the New York state school of agriculture at Alfred university.

§ 1071. Objects and purposes of school. The objects of the New York state school of agriculture at Alfred university shall be to give elementary and practical instruction in agriculture and kindred subjects; to conduct, for the improvement of such instruction, investigations and experiments in agricultural methods and resources in western New York, and in means and methods for the care and improvement of live stock; to stimulate agricultural pursuits, and to increase knowledge by which such industry may be successfully carried on; such work shall be co-ordinated so far as practicable with that at the New York state college of agriculture at Cornell university; and furnish both a practical training for the pursuit of agriculture, and complemental training, preliminary to advanced courses in said state college of agriculture at Cornell university.

§ 1072. Supervision and maintenance of school. Alfred university shall have the custody and control of the property of said New York state school of agriculture, and shall, with whatever moneys may be received for the purpose, administer the said school of agriculture with authority to appoint teachers, investigators, and other officers and employees, to prescribe the requirements for admission, and the courses of study to be pursued, and with such other power and authority as will secure necessary and adequate administration of such school. And in order to secure unity and harmony in education in agriculture in the state of New York, the state commissioner of agriculture, the director of the New York state college of agriculture at Cornell university, and a person to be annually elected or appointed by the state grange, shall be ex officio members of the board of managers to be appointed annually by the trustees of Alfred university,

to have immediate management of the said state school of agriculture. Alfred university shall receive no income, profit or compensation therefor, but all moneys received from appropriations for the said school of agriculture shall be credited by said university to a separate fund, and shall be used exclusively for said New York state school of agriculture. Such moneys as may be appropriated by the state to Alfred university, for said state school of agriculture, shall be payable to the treasurer of Alfred university upon vouchers furnished to the comptroller. The said university shall expend such moneys and use such property of the state in administering said school of agriculture as above provided, and shall report to the commissioner of agriculture annually, on or before the first day of December, a detailed statement of such expenditures and of the general operations of the said school of agriculture for the year ending the thirtieth day of September then next preceding; and a copy of such report shall be transmitted to the legislature. Students bona fide residents of the state of New York for one year preceding the date of their admission shall be entitled to free tuition. Other fees and charges if any in the said school of agriculture, and any moneys received from tuitions paid by students not residents of the state of New York, and from the sales of products shall be reported and forwarded monthly to the state treasurer as required by the state finance law, and may be reappropriated toward the maintenance of said school of agriculture.

ARTICLE 42-A.

[*Article inserted by L.* 1911, *ch.* 852.]

State School of Agriculture at Cobleskill.

Section 1075. Establishment and corporate name.
1076. Objects and purposes of school.
1077. Management and control of school.
1078. Powers and duties of board of trustees.

§ 1075. Establishment and corporate name. There is hereby established in the town of Cobleskill, Schoharie county, a school of agriculture to be known as the Schoharie State School of Agriculture.

§ 1076. Objects and purposes of school. Such school shall have for its objects and purposes:

1. The instruction of pupils attending such school in agriculture, mechanic arts and home making.

2. The giving of instruction throughout the state by means of schools, lectures and other university extension methods for the promotion of agricultural knowledge.

3. The conducting of investigations and experiments for the purpose of ascertaining the best methods of fertilization of fields, gardens and plantations and the best modes of tillage, farm management and improvement of live stock.

4. The printing of leaflets and the dissemination of agricultural knowledge by means of lectures and otherwise; printing and free distribution of the results of such investigations and experiments, and the publication of bulletins containing such information as may be deemed desirable and profitable in promoting the agricultural interests of the state.

§ 1077. Management and control of school. The care, management and control of the school, property and premises shall be exercised by a board of seven trustees of which the commissioner of education and the commissioner of agriculture shall be ex officio members, with the same powers and duties as other members thereof. The other five trustees shall be appointed by the governor. At least three of the trustees so appointed shall be residents of the county of Schoharie and one of them shall be a resident of the town of Cobleskill. Trustees first appointed hereunder shall be appointed for such terms that the term of one trustee shall expire each year and their terms shall be designated by the governor in their certificates of appointment. A successor to any such trustees shall be appointed for a full term of five years. A vacancy in the office of trustee shall be filled for the remainder of the unexpired term. Such trustees shall serve without compensation.

§ 1078. Powers and duties of board of trustees. The board of trustees of such school shall have the general care, supervision and control of such school and of all of its affairs, and to carry out its objects and purposes shall:

1. Employ and at pleasure remove teachers, experts, chemists and all necessary clerks and assistants;

2. Adopt rules not inconsistent with law controlling the affairs of such school and regulating the meetings and organization of such board;

3. Prescribe the course of instruction and the methods of investigation and experiments to be followed in such school.

The board of trustees shall report to the commissioner of agriculture annually, on or before the first day of December, a detailed statement of such expenditures and of the general operations of the said school of agriculture for the year ending the thirtieth day of June then next preceding, and a copy of such report shall be transmitted to the legislature. Students, bona fide residents of the state of New York for one year preceding the date of their admission, shall be entitled to free tuition. Other fees and charges, if any, in the said school of agriculture, and any moneys received from tuition paid by students not residents of the state of New York, and from the sale of products, shall be reported and forwarded monthly to the state treasurer as required by the state finance law. [*Amended by L.* 1916, *ch.* 118, *in effect April* 3, 1916.]

NOTE.— The following sections of L. 1911, ch. 852, relate to the establishment of the State School of Agriculture at Cobleskill, but are not amendatory of the Education Law.

§ 2. The governor shall appoint the members of the board of trustees of such school within twenty days after this act takes effect.

§ 3. The board of trustees may acquire in the name and for the benefit of the state, by gift, devise, grant or purchase, any lands situated within the town of Cobleskill, county of Schoharie, and within easy access of the village of Cobleskill, suitable and adapted for the purposes of such school. All deeds of conveyances, contracts of purchase or other instruments executed for the purpose of transferring the title of such lands shall be examined and approved by the attorney-general before payment of any part of the purchase price of such lands. The total amount to be paid by the state out of the moneys hereinafter appropriated for the purchase of such site shall not exceed the sum of ten thousand dollars. The board of trustees of such school shall cause to be erected upon the lands so acquired suitable buildings for use of such school, so designed as to carry into effect the objects and purposes of such school. The state architect shall prepare the necessary plans and specifications for the erection and equipment of such buildings, and he shall possess the same powers and perform the same duties in respect to such buildings as are possessed or performed by him in respect to other buildings. The erection and equipment of such buildings shall be done by contract, except work which in the opinion of the comptroller and the state architect can be done, in whole or in part, more advantageously by the employment of labor and the purchase of materials in the open market. All expenditures under this act shall be made pursuant to estimates or pursuant to contracts, the form of which shall be prescribed by the state architect. The estimates shall be made to the comptroller in the usual form by the board of trustees of such school. Where the work estimated for is from drawings and specifications of the state architect, the estimates shall be subject to his approval also. No item of said appropriation shall be available, except for advertising, unless a contract or contracts, or estimate or estimates therefor shall have been first made for the completion thereof within the appropriation therefor. All contracts in an amount greater than one thousand dollars shall have the performance thereof secured by sufficient bond or bonds, said bond or bonds to be approved by and filed with the comptroller. All contracts in an amount less than one thousand dollars need have no surety bond, provided payment is to be made only after the work is completed and approved. All payments on contracts shall be made on the certificate of the state architect and a voucher of the board of trustees of such school after audit by the comptroller.

All original bids or proposals with abstract thereof shall accompany the copy of the contracts which is to be filed with the comptroller. Money herein appropriated shall only be advanced to the board of trustees of such school, as the work progresses, or the purchase of material is made and upon bills duly certified, rendered and audited.

§ 4. The sum of fifty thousand dollars ($50,000), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the purpose of carrying out the provisions of this act. Of this amount the sum of ten thousand dollars shall be payable on the first day of October, nineteen hundred and eleven, and the remaining forty thousand dollars shall be payable on the first day of October, nineteen hundred and twelve. The amount so appropriated shall be paid by the treasurer upon the warrant of the comptroller drawn upon the requisition of the board of trustees of such school.

ARTICLE 43

State School of Agriculture at Morrisville

Section 1090. Corporate name.
1091. Objects and purposes of school.
1092. Management and control of school.
1093. Powers and duties of board of trustees.
1094. Power to acquire real estate; proceedings therefor.

§ 1090. Corporate name. The school of agriculture established by chapter two hundred one of the laws of nineteen hundred and eight shall continue to be known as the New York state school of agriculture at Morrisville.

§ 1091. Objects and purposes of school. Such school shall have for its objects and purposes:

1. The elementary and practical instruction of pupils attending such school in agriculture and all allied subjects, including domestic science.

2. The giving of instruction in agriculture and agricultural science preparatory to the more advanced courses in the state college of agriculture at Cornell to which end the work shall be conformed as far as practicable with that of the last named institution and also the giving of elementary and practical instruction for the carrying on of agricultural pursuits to such as do not desire the more advanced course.

3. The conducting of investigations and experiments in central New York for the purpose of ascertaining the best methods of fertilizing fields, gardens and plantations and the best modes of tillage and farm management and the care and improvement of live stock.

§ 1092. Management and control of school. The care, management and control of said school, property and prem-

ises shall be exercised by a board of seven trustees. The state commissioner of agriculture and the director of the New York state agricultural school at Cornell University, shall, ex officio, be members of the board of trustees. The other five trustees shall be appointed by the governor by and with the consent of the senate. At least two of such trustees shall be residents of the county of Madison. One of such trustees shall be a person recommended by the state grange, if such recommendation be made. Two of such appointed trustees shall be appointed for a term of two years each and three for a term of four years each. Upon the expiration of the terms of office of such appointed trustees their successors shall be appointed for a term of four years each. Such trustees shall serve for the terms for which they are respectively appointed and until their successors have been appointed and qualified. In case of any vacancy in the office of any trustee his successor shall be appointed for the unexpired term for which he was appointed. Such trustees shall serve without compensation as such, except that there shall be allowed to said board for clerical and other assistance that may be required in the discharge of their duties, a sum not to exceed fifteen hundred dollars per annum, which may be paid in whole or in part to one of the appointed members of said board, to act as secretary and clerk of said board until said school shall be organized.

§ 1093. Powers and duties of board of trustees. The board of trustees so appointed by the governor shall have the general care, supervision and control of such school and all its affairs and to carry out its objects and purposes:

1. Employ and remove teachers, experts, chemists and all necessary clerks and assistants.

2. Adopt rules not inconsistent with the law controlling the affairs of such school.

3. Prescribe the course of instruction and the methods of investigation and experiments to be followed in such school.

The board of trustees shall report to the commissioner of agriculture annually, on or before the first day of December, a detailed statement of such expenditures and of the general operations of the said school of agriculture for the year ending the thirtieth day of June then next preceding, and a copy of such report shall be transmitted to the legislature. Students bona fide residents of the state of New York for one year preceding the date of their admission shall be entitled to free tuition. Other fees and charges, if any, in the said school of agriculture, and any moneys received

from tuition paid by students not residents of the state of New York, and from the sale of products, shall be reported and forwarded monthly to the state treasurer as required by the state finance law. [*Amended by L.* 1916, *ch.* 118, *in effect April* 3, 1916.]

§ 1094. Power to acquire real estate; proceedings therefor. The trustees of said New York State School of Agriculture at Morrisville are hereby authorized to enter upon, take possession of and use the lands and premises known as the "Field" property, in the village of Morrisville, in the county of Madison, being a lot measuring about thirty feet by ninety-four feet, adjoining the grounds of such school and lying to the east of the buildings of such school heretofore acquired by the state from the county of Madison. An accurate survey and map of all such lands shall be made and said trustees shall annex thereto their certificate that the lands therein described have been appropriated for the use of said school. Such map, survey and certificate shall be filed in the office of the county clerk of the county of Madison. The said trustees shall thereupon cause to be served upon the reputed owner or owners of any real property so appropriated, and upon the actual occupant or occupants thereof, if any, a notice of the filing and of the date of filing of such map, survey and certificate in the office of the county clerk, which notice shall also specifically describe the portion of such real property belonging to the owner or owners which has been so appropriated, if less than the entire estate therein is to be taken. The trustees may, and if the owner or owners of such property or any of them shall be non-residents of the state, or unknown, or if the notice cannot for any reason be personally served upon the owners or all owners within the state, the trustees shall serve the same by publication thereof, once in each week for four consecutive weeks in any newspaper published in the county of Madison. From the time the service of such notice is complete, the entry upon and the appropriation by the State School of Agriculture at Morrisville of the real property therein described for the uses and purposes of said school shall be deemed complete, and such notice, when personally served or published, or both, in substantial compliance with the provisions of this section, shall be conclusive evidence of such entry and appropriation and of the quantity and boundaries of the lands appropriated. The trustees of the school shall cause a duplicate copy of such notice, with an affidavit of due service or publication thereof, or both, as the case may be, to

be recorded in the books used for recording deeds in the office of the county clerk of Madison county, and the record of such notice and such proofs of service or publication shall be prima facie evidence of the due service or publication thereof. The failure or neglect to serve personally on any person shall not impair or affect the entry upon or appropriation of such property, if the notice be published. The court of claims shall have jurisdiction to determine the amount of compensation for lands, structures and waters so appropriated. [*Added by L.* 1912, *ch.* 27.]

State College of Forestry at Syracuse University

L. 1911, ch. 851. AN ACT to establish a State College of Forestry at Syracuse University, and making an appropriation therefor.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

State College of Forestry at Syracuse University

Section 1. Establishment; corporate name.
2. Objects and purposes of college.
3. Management and control of college.
4. Powers and duties of boards of trustees.
5. Property acquired to belong to the state.
6. Admission to college; disposition of fees and income.
7. Time of taking effect.

§ 1. Establishment; corporate name. There is hereby established at Syracuse University a state college of forestry, which shall be known as The New York State College of Forestry at Syracuse University.

§ 2. Objects and purposes of college. Such college shall have for its objects and purposes:

1. The conduct upon land acquired by purchase, gift or lease for such purpose of such experiments in forestry and forestation as the board of trustees deem most advantageous to the interests of the state and the advancement of the science of forestry. [*Amended by L.* 1913, *ch.* 161, *in effect April* 2, 1913.]

2. The planting, raising, cutting and selling of trees and timber at such times, of such specie and quantities and in such manner as the board of trustees deems best, with a view of obtaining and imparting knowledge concerning the scientific management and use of forests, their regulation and administration, and the production, harvesting and reproduction of wood crops and the earning of revenue therefrom.

§ 3. Management and control of college. The care, management, and control of such college and the property and premises required therefor shall be exercised by a board of twelve trustees. The chairman of the state conservation commission, the lieutenant governor, the state commissioner of education and the chancellor of Syracuse University, shall be ex-officio members of the board of trustees. The remaining nine members of the board of trustees shall be appointed by the governor, by and with the advice and consent of the senate, immediately after this act takes effect and shall be divided into three classes, so that the terms of one-third thereof shall expire on June 30, 1915, and one-third thereof on the thirtieth day of June of each second year thereafter. Successors to such trustees shall be appointed for full terms of six years. In case of any vacancy in the office of any appointive trustee his successor shall be appointed for the unexpired term for which he was appointed. The members of the board of trustees shall serve without compensation, but shall be entitled to their actual necessary expenses incurred in the performance of their duties. [*Amended by L.* 1912, *ch.* 15, *L.* 1913, *ch.* 339, *and L.* 1915, *ch.* 587, *in effect May* 11, 1915.]

§ 4. Powers and duties of board of trustees. The board of trustees of such college of forestry shall have the general care, supervision and control of such college and of its officers, and to carry out its objects and purposes shall:

1. Employ and at pleasure remove teachers, experts and all necessary clerks and assistants.

2. Adopt rules, not inconsistent with law, controlling the affairs of such college.

3. Prescribe the course of instruction and the methods of investigation and experiments to be followed in such college, and the degree to be conferred on graduation therefrom.

4. Report to the legislature on or before the first day of February a detailed statement of the general operation of such college for the year ending on the thirtieth day of June then next preceding. [*Amended by L.* 1916, *ch.* 118, *in effect April* 3, 1916.]

§ 5. Property acquired to belong to the state. All lands purchased and other property acquired with moneys appropriated by the state for such college of forestry shall be and remain the property of the state. If real property is purchased, the title thereto shall be conveyed to the people of the state of New York, and the sufficiency of such title and the form of conveyance shall be approved by the attorney-general.

§ 6. Admission to college; disposition of fees and income. Students who are bona fide residents of the state of New York for one year preceding the date of admission shall be entitled to free tuition in such college. Any moneys received from tuition paid by students not residents of the state of New York and from the sale of products shall be reported and forwarded monthly to the state treasurer, as required by the state finance law, and may be appropriated toward the maintenance of such college of forestry. [*Amended by L.* 1912, *ch.* 15, *in effect March* 6, 1912.]

*§ 2. The sum of forty thousand dollars ($40,000), or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury, not otherwise appropriated, for the purpose of acquiring necessary lands for the New York State College of Forestry at Syracuse University, and the further sum of fifteen thousand dollars ($15,000), or so much thereof as may be necessary, is hereby appropriated for the purchasing of necessary supplies, the payment of the salaries of teachers, experts and other assistants, and the other necessary expenses of such college. The moneys hereby appropriated shall be payable by the treasurer on the warrant of the comptroller on the order of the board of trustees of such college.

§ 7. Time of taking effect. This act shall take effect immediately.

ARTICLE 43-A

[*Article inserted by L.* 1910, *ch.* 441, *in effect June* 8, 1910.]

Retirement Fund for Teachers in State Institutions

Section 1095. Retirement of certain teachers in state institutions.
1096. Certificate of retirement upon application.
1097. Retirement upon recommendation of governing body of institution where teacher is employed.
1098. Amount to be paid to such retired teachers.
1099. Time and manner of payments.
1099-a. Employment of teachers who have retired.

§ 1095. Retirement of certain teachers in state institutions and institutions receiving state pupils. Every teacher in a state institution and in an institution for the instruction of the deaf and dumb and the blind, receiving state pupils whose instruction and support are paid for by the state,

* So in original.

who for a period of ten years immediately preceding, has been employed as a teacher in any college, school, institution or teachers' institutes maintained and supported by the state, or in any such institution for the instruction of the deaf and dumb and the blind and who shall have been engaged in teaching in some college, university, school, academy, institution, teachers' institutes or in the public schools of this state or elsewhere during a period aggregating thirty years must, at his request, or may, on the order of the commissioner of education, be retired from such employment. [*Amended by L.* 1912, *ch.* 293, *and L.* 1915, *ch.* 614, *in effect May* 12, 1915.]

§ 1096. Certificate of retirement upon application. Every such person desiring to be retired under the provisions of section ten hundred and ninety-five of this chapter shall present to and file with the commissioner of education an affidavit signed by himself, or, in case he is mentally or physically incapable of making such affidavit, the affidavit of some person or persons acquainted with the facts, setting forth the number of years of such employment, the place or places where employed, the salary received by the applicant at the last place of employment, and upon the filing of such affidavits, the commissioner of education, if he shall be satisfied of the truth of the affidavit, shall issue to such applicant a certificate that such applicant has been retired from active service as a teacher.

§ 1097. Retirement upon recommendation of governing body of institution where teacher is employed. Upon the recommendation of a majority of the members of the board or governing body having in charge any such college, school or institution, that a member of the teaching force be retired on account of mental or physical incapacity for the performance of duty, the commissioner of education may retire such person and issue to such person the certificate set forth in section ten hundred and ninety-six of this chapter, provided such person has been employed for ten years as a teacher in any college, school or institution maintained and supported by the state, or in any such institution for the instruction of the deaf and dumb and the blind and has been engaged in teaching in some college, university, school, academy or institution or in the public schools of this state or elsewhere during a period aggregating twenty years. [*Amended by L.* 1912, *ch.* 293, *and L.* 1915, *ch.* 614, *in effect May* 12, 1915.]

§ 1098. Amount to be paid to such retired teacher Every person who shall be retired under the provisions of this article shall be entitled to receive from the state one-half the salary which such person was receiving at the date of such retirement, not to exceed, however, one thousand dollars per annum. In no case shall the payment to any person retired hereunder be less than the sum of three hundred dollars. [*Amended by L.* 1912, *ch.* 293.]

§ 1099. Time and manner of payments. The payment of the amounts provided in this article to be paid shall be made by the state treasurer on the warrant of the comptroller on the audit of the commissioner of education. Payments shall be made quarterly commencing with the first quarter after the date of issue of the certificate of such retirement. The commissioner of education shall make and enforce such rules and regulations, not inconsistent with the provisions of this article, as he shall deem necessary for properly safeguarding all payments thereunder, including vouchers to be signed by the person to whom such payment is made.

§ 1099-a. Employment of teachers who have retired. Any person who shall have heretofore been or shall hereafter be employed for a period of ten years by the state of New York, as an instructor in any college, school, institute or other educational institution, maintained and supported by the state and who shall have, prior to the expiration of said period of ten years, been employed as an instructor in some college, university, school, academy or other educational institution, in this state or elsewhere for the term of thirty years in the aggregate, and who shall have honorably retired from the service of the state prior to June eighth, nineteen hundred and ten, and who shall have attained the age of seventy years, if a man, and sixty years, if a woman, shall be entitled, upon application to the commissioner of education, to appointment as a substitute in the position which such person shall have last held in the service of the state which position as substitute such person shall thereafter hold for the term of his or her life. The said commissioner of education may hereafter assign any such person to suitable work for the state in any educational institution maintained by the state and no such person shall receive any compensation for any such work so performed other than as hereinafter specified.

Each person so appointed shall be entitled to receive from the state compensation as follows: For the time such person shall be

actively so employed two-thirds the salary which such person was receiving from the state in the position wherein such person was employed by the state at the time of his or her retirement from such service; for such time as such person shall not be actively so employed pursuant to such assignment by the commissioner of education, one-half such previous salary; provided, however, that when not so employed actively, no such persons shall receive compensation at a greater rate than one thousand dollars per annum nor at a lesser rate than three hundred dollars per annum. [*Added by L.* 1913, *ch.* 631, *in effect May* 23, 1913.]

ARTICLE 43-B

State Teachers' Retirement Fund for Public School Teachers.

[*Article inserted by L.* 1911, *ch.* 449, *in effect August* 1, 1911.]

Section 1100. Definitions.
1101. Establishment of state teachers' retirement fund.
1102. State teachers' retirement fund board.
1103. Vacancies; resignations; removal from office.
1104. Officers of board; salaries and expenses; meetings.
1105. State treasurer ex-officio treasurer of fund; investments.
1106. Powers of board.
1107. Rules of board.
1108. Contributions by teachers; deductions from salaries.
1108-a. Method of payment into state treasury.
1109. Retirement of teachers.
1109-a. *Application of article to certain counties, cities and districts; voluntary contributions.
1109-b. Application of article to certain counties, cities and districts; voluntary contributions.
1109-c. Service as school commissioner to be counted.

§ 1100. Definitions. The word "teacher" as used in this article includes teachers and principals employed in public schools of the cities and school districts of the state and in schools on the Indian reservations, and shall also include superintendents employed as provided by law in cities and union free

* So in original.

school districts having a population of five thousand or more, and district superintendents of schools appointed as provided by law in the supervisory districts of the several counties of the state. Services as such district superintendents or as school commissioners shall be deemed to be teaching in the public schools within the meaning of this article. The word "retirement fund" as used in this article shall mean the New York state teachers retirement fund for public school teachers as established by this article. The term "school commissioner" as used in any section of this article shall be deemed to mean the district superintendent of schools. [*Added by L.* 1911, *ch.* 449, *and amended by L.* 1913, *ch.* 511, *in effect May* 14, 1913.]

§ 1101. Establishment of state teachers' retirement fund. There is hereby established the New York state teachers' retirement fund for public school teachers which shall consist of:

1. All contributions made by teachers, school districts and cities, as hereinafter provided.

2. The income or interest derived from the investment of the moneys contained in such fund.

3. All donations, legacies, gifts and bequests which shall be made to such fund, and all moneys which shall be obtained from other sources for the increase of such fund.

4. Appropriations made by the state legislature from time to time to carry into effect the purposes of such fund, and which appropriations when made shall be paid into such fund and may be expended in the same manner as other moneys belonging thereto. [*Amended by L.* 1914, *ch.* 44, *in effect March* 17, 1914.]

§ 1102. State teachers' retirement fund board. The state teachers' retirement fund board shall consist of five members to be appointed by the commissioner of education as hereinafter provided. One of such members shall be, at the time of his appointment, a superintendent of schools in a city or district; one shall be at the time of his appointment an academic principal, and one shall be at the time of his appointment a teacher engaged in teaching in an elementary school. At least one of such members shall be a woman teacher in the public schools. Such appointments shall be made within ten days after this act takes effect. The members of such board first appointed shall hold office for terms of one, two, three, four and five years from January first, nineteen hundred and twelve, to be designated by the commissioner of education when he appoints such members. Their successors shall be

appointed for terms of five years. A vacancy occurring in the office of any member shall be filled for the unexpired term.

§ 1103. Vacancies; resignations; removal from office. A vacancy in the office of a member of the board shall be created by death, resignation, refusal to serve, removal from office, or absence from the state for a period of one year. A member of such board may resign by written resignation submitted to the commissioner of education and accepted by him. The commissioner of education may remove a member of such board for cause, after service upon him of written charges and an opportunity to be heard in defense thereof.

§ 1104. Officers of board; salaries and expenses; meetings. There shall be a president, vice-president and secretary of such board, to be elected by a majority vote of the members of the board. The president and vice-president shall be elected for terms of one year. The term of office of the secretary shall be fixed by the board. The secretary need not be a member of the board. His salary or compensation shall be prescribed by the board, not exceeding two thousand dollars a year, subject to the approval of the commissioner of education. The members of the board shall serve without compensation, but they shall be entitled to their expenses actually incurred in attending the meetings of the board and in performing services as members thereof.

The board shall meet annually in the education building at Albany, on the second Wednesday in January, and shall have stated meetings at the same place, at least once in each three months, as determined by the regulations of the board. If a member of the board be absent from two consecutive stated meetings without a reasonable excuse for such absence, accepted by the board, his office shall be declared vacant by the commissioner of education, upon notice being received by him of such unexcused absences, and such vacancy shall be filled as hereinbefore provided.

§ 1105. State treasurer ex-officio treasurer of fund; investments. The state treasurer shall be ex-officio treasurer of the retirement fund and shall be the custodian thereof. The moneys belonging thereto shall be deposited by him in banks or trust companies and the law relating to the deposit of state funds in such banks and trust companies shall apply so far as may be to the deposit of moneys belonging to the said retirement fund. The state teachers' retirement fund board shall determine from time to time as to what portion of the retirement fund shall be permanently invested. Such fund shall only be invested in those

securities in which the trustees of a savings bank may invest the moneys deposited therein, as provided by section one hundred and forty-six of the banking law. When such board shall determine that any portion of said fund should be so invested, it shall by resolution, duly adopted by a majority vote of the members of the board, direct the treasurer to invest such portion of the fund in any of said securities.

§ 1106. Powers of board. The state teachers' retirement fund board, subject to the provisions of this article and of any other statute, shall have power:

1. To appoint and employ such officers and employees as may be necessary to carry into effect the provisions of this article, and fix their compensation.

2. To prescribe the duties of its secretary and other officers and employees.

3. To conduct investigations into all matters relating to the operation of this article, and subpœna witnesses and compel their attendance to testify before it in respect to such matters, and any member of the board may administer oaths or affirmations to such witnesses.

4. To require boards of education, trustees, and other school authorities, and all officers, having duties to perform in respect to contributions by teachers to the retirement fund, to report to the board from time to time, as to such matters pertaining to the payment of such contributions, as it shall deem advisable, and may prescribe the form of such reports.

5. To draw its warrants upon the state treasurer for the payment of annuities to teachers who have been retired as provided in this article, and for the purchase of such securities as the board shall have decided to purchase as provided in this article. No payments shall be made from the teachers' retirement fund except by warrant signed by the president of the board, drawn after resolution duly adopted at a meeting of the board by a majority of its members, which adoption shall be attested by the secretary of the board.

§ 1107. Rules of board. The state teachers' retirement fund board shall make rules not inconsistent with the provisions of this article which, when approved by the commissioner of education, shall have the force and effect of law. Such rules shall

1. Provide for the conduct and regulation of the meetings of the board and the transaction of the business thereof.

2. Provide for the enforcement and carrying into effect of the provisions of this article.

3. Prescribe the manner of payment of contributions by teachers to the retirement fund, and the payment of annuities therefrom.

4. Establish a system of accounts showing the condition of such fund, and receipts and expenditures.

5. Prescribe the method of making payments from such fund to annuitants and giving receipts for such payments.

6. Prescribe the forms of warrants, vouchers, receipts, reports and accounts to be used by annuitants and officers having duties to perform in respect to such fund.

7. Regulate the duties of boards of education, trustees, and other officers imposed upon them by this article, in respect to the contributions by teachers to the retirement fund, and the deduction of such contributions from teachers' salaries.

§ 1108. Contributions to fund; deductions from salaries. All teachers employed in the public schools in this state except in those counties, districts or cities in which provision is already made by statute for the retirement of public school teachers and the payment of annuities or pensions to such teachers, who enter into contracts for such employment after the date on which this act takes effect, shall contribute to the teachers' retirement fund one per centum of the salaries to be paid to such teachers annually according to the terms of such contracts. District superintendents of schools shall contribute to such funds one per centum of the salaries received by them for their services, either from the state or from the towns comprising their supervisory districts, as provided by law. On and after such date all such contracts shall be deemed to have been made subject to the provisions of this article, and the requirement as to such contribution shall become a part of and enter into all such contracts. All school districts and cities shall contribute to such fund an amount equal to that contributed, as above provided, by the teachers employed in the public schools of such districts and cities, to be deducted from the public moneys apportioned thereto by the commissioner of education.

Boards of education, trustees and other school authorities having duties to perform in respect to the payment of salaries to public school teachers in their districts or cities, shall cause to be deducted from each warrant or order issued to any of such

teachers for the payment of the salary of such teachers, the amount due by such teacher to the teachers' retirement fund. The commissioner of education shall cause to be deducted from the salaries paid to teachers employed in schools on the Indian reservations and to district superintendents of schools the amount required to be contributed by them to the teachers' retirement fund, and shall cause the same to be paid into such fund. [*Added by L.* 1911, *ch.* 449, *and amended by L.* 1913, *ch.* 511, *and by L.* 1914, *ch.* 44, *in effect March* 17, 1914.]

§ 1108-a. Method of payment into state treasury. 1. The district superintendent of each supervisory district shall include in his annual report to the commissioner of education, a statement showing the amount required to be deducted from the salaries of teachers in each school district under his supervision, under section eleven hundred and eight of this act.

2. The superintendent of schools of each city shall also include in his annual report to the commissioner of education, a statement showing the amount required to be deducted under the provisions of section eleven hundred and eight of this act from the salaries of teachers employed in such city.

3. The district superintendent of each supervisory district and the superintendent of each city shall file with the treasurer of the county in which such supervisory district or city is located, a statement showing the amount respectively reported by them to the commissioner of education as provided in subdivisions one and two of this section as being the amount required to be deducted from the salaries of teachers in their respective supervisory districts and cities under the provisions of section eleven hundred and eight of this act. Such statements to the county treasurer shall also respectively show the aggregate amount required to be so deducted from the salaries of teachers employed in each town in such supervisory district and from the salaries of teachers employed in each city.

4. The district superintendent of each supervisory district shall file with the supervisor of each town within such supervisory district at the time he files his certificate of apportionment of public school moneys, a statement showing the amount required to be deducted from the salaries of the teachers employed in each school district in such town. The superintendent of each city shall file with the chamberlain or treasurer of such city a duplicate of the certificate which he is required to file with the county treasurer under subdivision three of this section.

5. When the commissioner of education apportions the money appropriated by the legislature for the support of common schools to the several counties of the state, he shall cause to be determined from the official reports of district and city superintendents the amount required to be deducted from the salaries of the teachers employed in each county who come under the provisions of this act as required by section eleven hundred and eight, and also the amount to be contributed by the school districts and cities, in which such teachers are employed, as provided by said section eleven hundred and eight.

6. The commissioner of education shall include in the certificate which he files with the comptroller showing the amount of state funds apportioned for the support of common schools to each county, a statement showing the amount required to be deducted from the salaries of teachers in each of such counties, and the amount to be contributed by the school districts and cities in which such teachers are employed, as required under section eleven hundred and eight of this act.

7. The comptroller shall issue his warrant to the state treasurer directing such treasurer to credit to the retirement fund created herein from the appropriation for the support of common schools an amount equal to the aggregate amount required to be deducted from the salaries of teachers in the several counties of the state, together with the aggregate amount of the contributions required to be made by the school districts and cities in which such teachers are employed, as shown by the certificate of the commissioner of education filed with him as directed in subdivision six of this section.

8. The comptroller, in issuing his warrant to the state treasurer for the payment to each county of that portion of the moneys appropriated for the support of common schools and payable on or before March first of each year, shall deduct therefrom an amount equal to the amount required to be deducted from the salaries of teachers, and the amount required to be contributed by the school districts and cities in which such teachers are employed, as shown by the certificate of the commissioner of education filed with the comptroller as required by subdivision six of this section.

9. The county treasurer of each county when paying to the supervisors of the towns of such county and to the chamberlain or treasurer of a city in such county the first half of the money apportioned annually for the support of common schools shall de-

duct from the amount apportioned to each town and city an amount equal to the amount to be deducted from the salaries of the teachers in such town or city, and the amount to be contributed by the school districts or city, as shown by the certificate of the district and city superintendents filed with such treasurer as directed by subdivision three of this section.

10. The supervisor of each town shall pay to the collector or treasurer of each school district in such town or to the teachers employed in such districts toward their salaries on the order of the trustees of such districts the amount apportioned to such districts respectively less the amount required to be deducted from the salaries of the teachers in such districts, and the amount to be contributed by the school districts in such towns, as shown by the certificate of the district superintendent filed with such supervisors as directed by subdivision four of this section. [*Amended by L.* 1914, *ch.* 44, *in effect March* 17, 1914.]

§ 1109. Retirement of teachers. 1. A teacher who has taught in public schools for a period of twenty-five years, at least the last fifteen years of which period shall have been taught in the public schools in this state shall, upon his retirement from actual service as such teacher, as hereinafter provided, be entitled to an annuity of a sum equal to one-half of the average annual salary of such teacher for the period of years prior to the time of such retirement, provided that no annuity shall exceed the sum of six hundred dollars.

2. A teacher who has taught in public schools for a period of fifteen years, at least the last nine of which were taught in the public schools in this state who is either physically or mentally incapable of teaching may be retired, and shall, upon his retirement, be entitled to an annuity of as many twenty-fifths of the full annuity for twenty-five years as said teacher has taught years.

3. Such retirement may be had on the request of the teacher, or upon the request of a board of education in a city or union free school district. A request for retirement shall be made in writing addressed to state teachers' retirement fund board, accompanied by evidence showing that the teacher named therein is entitled to retirement, and that he has complied with the provisions of this article and the rules of the board relating to the payment of annuities. The board shall pass upon all requests for retirement, and shall determine whether such requests shall be granted.

4. All determinations of the board relative to such requests and the payment of annuities to teachers shall be subject to appeal to the commissioner of education. The provisions of article thirty-four of the education law, relative to appeals, shall apply to appeals from such determination. [*Amended by L.* 1914, *ch.* 44, *in effect March* 17, 1914.]

§ 1109-a. Payment of annuities. 1. A teacher shall not be entitled to an annuity who has not contributed to the retirement fund an amount equal to at least fifty per centum of his annuity. But a teacher who is otherwise entitled to retirement and an annuity under this article, may become an annuitant and entitled to an annuity by making a cash payment to the retirement fund of an amount which when added to his previous contributions to such fund, will equal fifty per centum of his annuity.

2. In case a teacher who shall retire or be retired, is unable to pay in advance the sum required to make up the said fifty per centum of the annuity, the payment of such annuity may be withheld until the portion of the annuity withheld shall equal the sum required to make up said fifty per centum of the annuity.

3. Annuities shall be paid quarterly to the teachers entitled thereto, upon the warrants or orders signed by the president and secretary of the state teachers' retirement fund board. Vouchers or receipts shall be signed in duplicate by annuitants upon receiving the money paid to them. Such duplicate receipts shall be returned to the secretary of the board, and one of them shall be retained in his office and the other shall be filed in the office of the state treasurer.

4. Each annuity shall date from the time when the state teachers' retirement board shall take action upon the request made as herein provided for the retirement of the annuitant.

5. In case an annuity shall be paid hereunder to a teacher who has contributed to a teachers' retirement or pension fund in a city, county or district in accordance with a special or local act applicable thereto, the amount so contributed shall be paid on the order of the state teachers' retirement fund board by the custodian of such local retirement or pension fund into the state retirement fund, and the amount so paid shall be credited to such teacher as a contribution to the state fund. In case an annuity is paid to a teacher who has contributed to the state retirement fund as provided in this article, under a special or local act, applicable to the retirement of teachers in a city, county or district, the amount

of such contributions shall be paid by the treasurer of the state teachers' retirement fund into the teachers' retirement or pension fund of such city, county or district, and such amount shall be credited to such teacher as a contribution to such fund. [*Amended by L.* 1914, *ch.* 44, *in effect March* 17, 1914.]

§ 1109-b. Application of article to certain counties, cities and districts; voluntary contributions. This article shall not apply to any county, city or district in which the teachers in the public schools thereof are required or authorized to contribute to a teachers' retirement fund, or in which such teachers are entitled to annuities or pensions, in accordance with any special or local act applicable to such county, city or district. Provided, that whenever the state teachers' retirement fund board is satisfied that more than two-thirds of all the teachers employed in the public schools of any such county, city or district are willing to become subject to this article, as shown by a petition duly signed and verified by such teachers, such board shall issue its order directing that on and after the date thereof this article shall apply to such county, city or district. A copy of such order shall be mailed to the several teachers employed in the county, city or district to which such order relates and to the boards of education, trustees or other school authorities therein, and thereupon the provisions of this article shall apply to such county, city or district to the same extent and for the same purposes as to the other counties, cities and districts of the state. Thereupon the organization or society created under the said local or special act applicable to a county, city or district shall be dissolved and discontinued and the treasurer or other custodian of the funds of such organization or society shall pay into the state treasury any funds in his possession belonging to the said organization or society, after paying any outstanding obligations other than annuities. Such funds shall be credited to the retirement fund provided for herein. All persons who had been placed upon the retired list pursuant to the provisions of such local or special act, previous to the date when such local organization or society determined to come under the provisions of this act, shall become annuitants under this act and shall be entitled to receive the same amount which they would have been entitled to receive under the provisions of their retirement under said local or special act had such organization or society created thereunder not been dissolved and discontinued. Upon the execution and service of such order the teachers em-

ployed in the county, city or district to which such order relates, shall contribute one per centum of their salaries to the retirement fund and they shall be entitled to all the privileges thereof, under the conditions and restrictions imposed by this article and the rules of the board.

§ 1109-c. Service as school commissioner to be counted. In computing the term of service of a teacher for the purpose of granting an annuity to such teacher under the provisions of this article, the time during which any such teacher shall have filled the office of school commissioner as defined in section three hundred of the education law, being chapter twenty-one of the laws of nineteen hundred and nine, and which office was abolished by chapter six hundred and seven of the laws of nineteen hundred and ten, prior to the time this amendment takes effect, shall be included. [*Added by L.* 1913, *ch.* 509, *in effect May* 14, 1913.]

ARTICLE 44
Libraries

Section 1110. State library, how constituted.
1111. State medical library.
1112. Manuscript and records "on file."
1113. State library, when open; use of books.
1114. Duplicate department.
1115. Transfers from state officers.
1116. Other libraries owned by the state.
1117. Public and free libraries and museums.
1118. Establishment.
1119. Acceptance of conditional gift.
1120. Subsidies.
1121. Closing of museum; admission fee during certain hours.
1122. Taxes.
1123. Trustees.
1124. Incorporation.
1125. Use of free public libraries.
1126. Reports.
1127. Injuries to property.
1128. Detention.
1129. Transfer of libraries.
1130. Local neglect.
1131. Loans of books from state.

Section 1132. Advice and instruction from state library officers.
1133. Apportionment of public library money.
1134. Abolition.
1135. Use and care of school library.
1135a. Librarians of school libraries.
1136. Existing rules continued in force.
1137. Authority to raise and receive money for school library.
1138. Authority to transfer school library property to free public library.
1139. Transfer of property not in charge of librarian.
1140. Provision for change to circulating library.
1141. Penalty for disobedience to library law, rules or orders.

§ 1110. State library, how constituted. All books, pamphlets, manuscripts, records, archives and maps, and all other property appropriate to a general library, if owned by the state and not placed in other custody by law, shall be in charge of the regents and constitute the state library.

§ 1111. State medical library. The state medical library shall be a part of the New York state library under the same government and regulations and shall be open for consultation to every citizen of the state at all hours when the state library is open and shall be available for borrowing books to every accredited physician residing in the state of New York, who shall conform to the rules made by the regents for insuring proper protection and the largest usefulness to the people of the said medical library.

§ 1112. Manuscript and records "on file." Manuscript or printed papers of the legislature, usually termed "on file," and which shall have been on file more than five years in custody of the senate and assembly clerks, and all public records of the state not placed in other custody by a specific law shall be part of the state library and shall be kept in rooms assigned and suitably arranged for that purpose by the trustees of public buildings. The regents shall cause such papers and records to be so classified and arranged that they can be easily found. No paper or record shall be removed from such files except on a resolution of the senate and assembly withdrawing them for a temporary purpose, and in case of such removal a description of the paper or

record and the name of the person removing the same shall be entered in a book provided for that purpose, with the date of its delivery and return.

§ 1113. State library, when open; use of books. The state library shall be kept open not less than eight hours every week day in the year except the legal holidays known as Independence day, Thanksgiving day and Christmas day, and members of the legislature, judges of the court of appeals, justices of the supreme court, and heads of state departments may borrow from the library books for use in Albany, but shall be subject to such restrictions and penalties as may be prescribed by the regents for the safety or greater usefulness of the library. Others shall be entitled to use or borrow books from the library only on such conditions as the regents shall prescribe.

§ 1114. Duplicate department. The regents shall have charge of the preparation, publication and distribution, whether by sale, exchange or gift, of the colonial history, natural history and all other state publications not otherwise assigned by law. To guard against waste or destruction of state publications, and to provide for the completion of sets to be permanently preserved in American and foreign libraries, the regents shall maintain a duplicate department to which each state department, bureau, board or commission shall send not less than five copies of each of its publications when issued, and after completing its distribution, any remaining copies which it no longer requires. The above, with any other publications not needed in the state library, shall be the duplicate department, and rules for sale, exchange or distribution from it shall be fixed by the regents, who shall use all receipts from such exchanges or sales for expenses and for increasing the state library.

§ 1115. Transfers from state officers. The librarian of any library owned by the state, or the officer in charge of any state department, bureau, board, commission or other office may, with the approval of the regents, transfer to the permanent custody of the state library or museum any books, papers, maps, manuscripts, specimens or other articles which, because of being duplicates or for other reasons, will in his judgment be more useful to the state in the state library or museum than if retained in his keeping.

§ 1116. Other libraries owned by the state. The report of the state library to the legislature shall include a state-

ment of the total number of volumes or pamphlets, the number added during the year, with a summary of operations and conditions, and any needed recommendation for safety or usefulness for each of the other libraries owned by the state, the custodian of which shall furnish such information or facilities for inspection as the regents may require for making this report. Each of these libraries shall be under the sole control now provided by law, but for the annual report of the total number of books owned by or bought each year by the state, it shall be considered as a branch of the state library and shall be entitled to any facilities for exchange of duplicates, inter-library loans or other privileges properly accorded to a branch.

§ 1117. Public and free libraries and museums. All provisions of this section and of sections eleven hundred and eighteen to eleven hundred and thirty-four inclusive shall apply equally to libraries, museums, and to combined libraries and museums, and the word "library" shall be construed to include reference and circulating libraries and reading-rooms.

§ 1118. Establishment. By majority vote at any election, any county, city, village, town, school district, or other body authorized to levy and collect taxes, or by vote of its common council, or by action of a board of estimate and apportionment or other proper authority, any city, or by vote of its trustees, any village, may establish and maintain a free public library, with or without branches, either by itself or in connection with any other body authorized to maintain such library. Whenever twenty-five taxpayers shall so petition, the question of providing library facilities shall be voted on at the next election or meeting at which taxes may be voted, provided that due public notice shall have been given of the proposed action. A municipality or district named in this section may raise money by tax to establish and maintain a public library or libraries, or to provide a building or rooms for its or their use, or to share the cost as agreed with other municipal or district bodies, or to pay for library privileges under a contract therefor. It may also acquire real or personal property for library purposes by gift, grant, devise or condemnation, and may take, buy, sell, hold and transfer either real or personal property and administer the same for public library purposes. A board of supervisors of a county may contract with the trustees of a public library within such county or with any other municipal or district body having control of such a library to furnish library privileges

to the people of the county, under such terms and conditions as may be stated in such contract. The amount agreed to be paid for such privileges under such contract shall be a charge upon the county and shall be paid in the same manner as other county charges. [*Amended by L.* 1911, *ch.* 815.]

§ 1119. Acceptance of conditional gift. By majority vote at any election any municipality or district or by three-fourths vote of its council, any city, or any public library in the university, or any designated branch thereof, if so authorized by such vote of a municipality, district, or council, or of any combination of such voting bodies, may accept gifts, grants, devises or bequests for public library purposes on condition that a specified annual appropriation shall thereafter be made, by the municipality or district or combination so authorizing such acceptance, for maintenance of such library or branches thereof. Such acceptance, when approved by the regents of the university under seal and recorded in its book of charters, shall be a binding contract, and such municipality and district shall levy and collect yearly the amount provided in the manner prescribed for other taxes, and shall maintain any so accepted gift, grant, devise or bequest, intact and make good any impairment thereof.

§ 1120. Subsidies. By vote similar to that required by sections eleven hundred and eighteen and eleven hundred and nineteen money may be granted toward the support of libraries not owned by the public but maintained for its welfare and free use; provided, that such libraries shall be subject to the inspection of the regents and registered by them as maintaining a proper standard, that the regents shall certify what number of the books circulated are of such a character as to merit a grant of public money, and that the amount granted yearly to libraries on the basis of circulation shall not exceed ten cents for each volume of the circulation thus certified by the regents.

§ 1121. Closing of museum; admission fee during certain hours. The trustees of any institution supported under this chapter by public money, in whole or in part, may, so far as consistent with free use by the public at reasonable or specified hours, close any of its museum collections at certain other hours, for study, to meet the demands of special students or for exhibition purposes, and may charge an admission fee at such hours, provided that all receipts from such fees shall be paid into the treasury and be used for the maintenance or enlargement of the institution.

§ 1122. Taxes. Taxes, in addition to those otherwise authorized, may be voted by any authority named in section eleven hundred and eighteen and for any purpose specified in sections eleven hundred and eighteen to eleven hundred and twenty inclusive, and shall, unless otherwise directed by such vote, be considered as annual appropriations therefor till changed by further vote, and shall be levied and collected yearly, or as directed, as are other general taxes; and all money received from taxes or other sources for such library shall be kept as a separate library fund and expended only under direction of the library trustees on properly authenticated vouchers.

§ 1123. Trustees. Free public libraries established by action of the voters or their representatives shall be managed by trustees who shall have all the powers of trustees of other educational institutions of the university as defined in this chapter; provided, unless otherwise specified in the charter, that the number of trustees shall be five; that they shall be elected by the legal voters, except that in cities they shall be appointed by the mayor with the consent of the common council, from citizens of recognized fitness for such position; that the first trustees determine by lot whose term of office shall expire each year and that a new trustee shall be elected or appointed annually to serve for five years.

§ 1124. Incorporation. Within one month after taking office, the first board of trustees of any such free public library shall apply to the regents for a charter in accordance with the vote establishing the library.

§ 1125. Use of free public libraries. Every library established under section eleven hundred and eighteen of this chapter shall be forever free to the inhabitants of the locality which establishes it, subject always to rules of the library trustees, who shall have authority to exclude any person who wilfully violates such rules; and the trustees may, under such conditions as they think expedient, extend the privileges of the library to persons living outside such locality.

§ 1126. Reports. Every library or museum which receives state aid or enjoys any exemption from taxation or other privilege not usually accorded to business corporations shall make the report required by section fifty-eight of this chapter, and such report shall relieve the institution from making any report now required by statute or charter to be made to the legislature, or to

any department, court or other authority of the state. These reports shall be summarized and transmitted to the legislature by the regents with the annual reports of the state library and state museum.

§ 1127. Injuries to property. Whoever intentionally injures, defaces or destroys any property belonging to or deposited in any incorporated library, reading-room, museum or other educational institution, shall be punished by imprisonment in a state prison for not more than three years, or in a county jail for not more than one year, or by a fine of not more than five hundred dollars, or by both such fine and imprisonment.

§ 1128. Detention. Whoever wilfully detains any book, newspaper, magazine, pamphlet, manuscript or other property belonging to any public or incorporated library, reading-room, museum or other educational institution, for thirty days after notice in writing to return the same, given after the expiration of the time which by the rules of such institution, such article or other property may be kept, shall be punished by a fine of not less than one nor more than twenty-five dollars, or by imprisonment in the jail not exceeding six months, and the said notice shall bear on its face a copy of this section.

§ 1129. Transfer of libraries. Any corporation, association, school district or combination of districts may, by legal vote duly approved by the regents, transfer, conditionally as provided in section eleven hundred and nineteen of this article, or otherwise, the ownership and control of its library, with all its appurtenances, to any municipality, or district, or public library in the university, or any designated branch thereof, and thereafter such transferee shall be entitled to receive any money, books or other property from the state or other sources, to which the transferring body would have been entitled but for such transfer, and the trustees or body making the transfer shall thereafter be relieved of all responsibility pertaining to property thus transferred.

§ 1130. Local neglect. If the local authorities of any library supported wholly or in part by state money, fail to provide for the support and public usefulness of its books, the regents shall in writing notify the trustees of said library what is necessary to meet the state's requirements, and on such notice all its rights to further grants of money or books from the state shall be suspended until the regents certify that the requirements have

been met; and if said trustees shall refuse or neglect to comply with such requirements within sixty days after service of such notice, the regents may remove them from office and thereafter all books and other library property wholly or in part paid for from state money shall be under the full and direct control of the regents who, as shall seem best for public interests, may appoint new trustees to carry on the library, or may store it, or distribute its books to other libraries.

§ 1131. Loans of books from state. Under such rules as the regents may prescribe, they may lend from the state library, duplicate department, or from books specially given or bought for this purpose, selections of books for a limited time to any public library in this state under visitation of the regents, or to any community not yet having established such library, but which has conformed to the conditions required for such loans.

§ 1132. Advice and instruction from state library officers. The trustees or librarian or any citizen interested in any public library in this state shall be entitled to ask from the officers of the state library any needed advice or instruction as to a library building, furniture and equipment, government and service, rules for readers, selecting, buying, cataloguing, shelving, lending books, or any other matter pertaining to the establishment, reorganization or administration of a public library. The regents may provide for giving such advice and instruction either personally or through printed matter and correspondence, either by the state library staff or by a library commission of competent experts appointed by the regents to serve without salary. The regents may, on request, select or buy books, or furnish them instead of money apportioned, or may make exchanges and loans through the duplicate department of the state library. Such assistance shall be free to residents of this state as far as practicable, but the regents may, in their discretion, charge a proper fee to nonresidents or for assistance of a personal nature or for other reason not properly an expense to the state, but which may be authorized for the accommodation of users of the library.

§ 1133. Apportionment of public library money. Such sum as shall have been appropriated by the legislature as public library money shall be paid annually by the treasurer, on the warrant of the comptroller, from the income of the United States deposit fund, according to an apportionment to be made for the benefit of free libraries by the regents in accordance with

their rules and authenticated by their seal; provided, that none of this money shall be spent for books except those approved or selected and furnished by the regents; that no locality shall share in the apportionment unless it shall raise and use for the same purpose not less than an equal amount from taxation or other local sources; that for any part of the apportionment not payable directly to the library trustees the regents shall file with the comptroller proper vouchers showing that it has been spent in accordance with law exclusively for books for free libraries or for proper expenses incurred for their benefit; and that books paid for by the state shall be subject to return to the regents whenever the library shall neglect or refuse to conform to the ordinances under which it secured them.

§ 1134. Abolition. Any library established by public vote or action of school authorities, or under section eleven hundred and eighteen of this chapter, may be abolished only by a majority vote at a regular annual election, ratified by a majority vote at the next annual election. If any such library is abolished its property shall be used first to return to the regents, for the benefit of other public libraries in that locality, the equivalent of such sums as it may have received from the state or from other sources as gifts for public use. After such return any remaining property may be used as directed in the vote abolishing the library, but if the entire library property does not exceed in value the amount of such gifts it may be transferred to the regents for public use, and the trustees shall thereupon be free from further responsibility. No abolition of a public library shall be lawful till the regents grant a certificate that its assets have been properly distributed and its abolition completed in accordance with law.

§ 1135. Use and care of school library. The school library shall be a part of the school equipment and shall be kept in the school building at all times. Such library shall be devoted to the exclusive use of the school except as otherwise provided by the rules of the commissioner of education and except in a district where there is no free public library, in which case such school library shall be a circulating library for the use of the residents of the district.

The commissioner of education shall prescribe rules regulating

1. The purchase, recording, safekeeping and loaning of books in school libraries, and the use of such books by pupils and teachers in the public schools.

2. The conditions under which books in a school library in a district in which a public library is situated, may be used by the public.

3. The management of school libraries and their use as circulating libraries by the residents of the districts in which they are situated.

4. The contents and submission of reports of school librarians, teachers and other school authorities as to school libraries. [*Amended by L.* 1914, *ch.* 51, *in effect March* 18, 1914.]

§ 1135-a. Librarians of school libraries. In a city or a union free school district *maintaing an academic department or high school the board of education may employ, and fix the compensation of, a person to act as school librarian who may be engaged for all or a part of the time in performance of the duties of the position as may be directed by the said board. The person so employed may be the librarian of the free public library. If possessed of the qualifications prescribed by the commissioner of education a teacher's quota shall be apportioned to such city or union free school district on account of the employment of such librarian. In all other districts the trustees or board of education may appoint a competent person to act as librarian. In case of a failure of a city or union free school district maintaining an academic department or high school to employ a librarian as above provided, the teacher of English in such school shall be the librarian. In case of a failure to appoint a librarian in any other district the teacher, or if there be more than one teacher, the principal teacher, shall act as librarian. The trustees or board of education shall report to the commissioner of education the name and address of the person employed or appointed as librarian. [*Added by L.* 1914, *ch.* 51, *in effect March* 18, 1914.]

§ 1136. Existing rules continued in force. All existing provisions of law and rules established by the superintendent of public instruction or by the commissioner of education for the management of district libraries shall hold good as to the management of school libraries till altered by or in pursuance of law.

§ 1137. Authority to raise and receive money for school library. Each city and school district in the state is hereby authorized to raise moneys by tax in the same manner as other school moneys are raised, or to receive moneys by gift or devise, for starting, extending or caring for the school library.

* So in original.

§ 1138. Authority to transfer school library property to free public library. Any board of education in any city or union free school district, or any duly constituted meeting in any other district, is hereby authorized to give any or all of its books or other library property to any township or other free public library under state supervision, or to aid in establishing such free public library, provided it is free to the people of such city or district. A receipt from the officers of the said free public library, and an approval of the transfer under seal by the regents of the university, shall forever thereafter relieve the said school authorities of further responsibility for the said library and property so transferred.

§ 1139. Transfer of property not in charge of librarian. Any books or other library property belonging to any district library, and which have not been in direct charge of a librarian duly appointed within one year, may be taken and shall thereafter be owned by any public library under state supervision, which has received from the regents of the university written permission to collect such books or library property, and to administer the same for the benefit of the public; provided, that said books or other library property shall be found in the territory for which such public library is maintained, as defined in its charter or in the permission granted by the regents; and further provided, that, on written request of the school authorities, any dictionaries, cyclopedias and pedagogic books shall be placed in the school library of the district to which such books originally belong.

§ 1140. Provision for change to free public library. In any district in which the school library is a circulating library, within the provisions of section eleven hundred and thirty-five, the school authorities, in their discretion, may appoint five trustees who shall apply to the regents for a library charter and upon incorporation, the school authorities may transfer to the custody of said trustees for the purposes of a circulating library any of their library property as provided in section eleven hundred and thirty-eight. [*Amended by L.* 1914, *ch.* 51, *in effect March* 18, 1914.]

§ 1141. Penalty for disobedience to library law, rules or orders. The commissioner of education is hereby authorized to withhold its share of public school moneys from any

city or district which uses school library moneys for any other purpose than that for which they are provided, or for any wilful neglect or disobedience of the law or the rules or orders of said commissioner in the premises.

ARTICLE 45
Court Libraries

Section 1160. Court of appeals libraries.
1161. Court of appeals judges' law libraries.
1162. Appellate division libraries.
1163. Appellate division library, first department.
1164. Appellate division library, fourth department.
1165. Supreme court libraries.
1166. Supreme court library at New York.
1167. Supreme court library in borough of Brooklyn.
1168. Supreme court library at Newburgh.
1169. Joseph F. Barnard memorial library at Poughkeepsie.
1170. Supreme court library at Kingston.
1171. Supreme court library at Saratoga.
1172. Supreme court library at Utica.
1173. Supreme court library at Binghamton.
1174. Supreme court library at Delhi.
1175. Supreme court library at Elmira.
1176. David L. Follett memorial library at Norwich.
1177. Supreme court library at Buffalo.
1178. Supreme court library at White Plains.
1179. Supreme court library at Troy.
*1180. City court of the city of New York. [*Added by L.* 1911, *ch.* 824.]
*1180. Supreme court library in Queens county. [*Added by L.* 1911, *ch.* 557.]
1180-b. Law library for the county officials of the county of Bronx.
1181. Supreme court library at Watertown.
1182. Supreme court law library at Riverhead.

§ 1160. Court of appeals libraries. 1. The consultation library of the court of appeals is continued. Said library shall be under the exclusive supervision of that court and the chief judge may add thereto from any funds available.

* Two sections numbered 1180 were added to this article by the acts referred to.

2. The library of the court of appeals, located at the city of Syracuse, is continued. The regents of the university shall appoint a suitable person to be librarian of the said library, who shall receive an annual salary of three thousand dollars, to be paid by the comptroller in monthly instalments, upon the certificate of a justice of the supreme court residing in the city of Syracuse, which said amount shall be levied and assessed by the comptroller, one-half upon the county of Onondaga, and the residue thereof upon the several remaining counties constituting the fifth judicial district, in proportion to the assessed valuation of the real and personal property in said counties. Said librarian shall appoint an assistant librarian and such other assistants as shall be determined by the board of supervisors of said county of Onondaga, who shall be paid by said county of Onondaga a salary or salaries to be fixed by said board of supervisors of said county. The said library shall be maintained as a free public library for the use of the people of the state, the supreme court of the fifth judicial district and the local courts of the county of Onondaga and city of Syracuse. Such library shall be kept in the court-house of Onondaga county and without expense to the state, except for the purchase of books, binding and repair of books. The regents of the university shall frame and establish suitable rules and regulations for the use of the books in such library, and shall add to and amend the same as shall be necessary.

§ 1161. Court of *appeals' judges' law libraries. The law libraries of the judges of the court of appeals are continued. Each judge has sole custody and control of the library assigned to him and on expiration of his term of office shall deliver it to his successor. He may add to it from any funds available.

§ 1162. Appellate division libraries. The libraries heretofore established for the appellate divisions of the supreme court are continued. They are under exclusive supervision of the respective appellate divisions. The justices of the court shall be trustees thereof who shall continue to be vested with all the powers with regard thereto now possessed by said justices.

§ 1163. Appellate division library, first department. The law library of the appellate division of the first department shall be kept in the court-house thereof, and shall be in the care and custody and under the control of the justices of the appellate division of said first department, who shall be the trustees thereof. The said trustees may make rules and regula-

* So in original.

tions for the management and protection of said library and prescribe penalties for the violation thereof. They may sue for and recover such penalties and may maintain actions for injury to said library. They may appoint a librarian and an assistant librarian and fix their salaries, the former at not to exceed the sum of four thousand dollars per annum, and the latter at not to exceed the sum of three thousand dollars per annum. The said librarian shall, in addition to the duties now performed by him, perform such duties in relation to the custody and distribution of stationery and other supplies furnished for the use of the appellate division of said first department as said justices of said appellate division shall direct. The said trustees may procure furniture for said library and shall defray all the expenses incidental to its care and management. They shall yearly ascertain the amount necessary for the aforesaid purposes and certify it to the board of estimate and apportionment, who shall provide for raising and paying the same. [*Amended by L.* 1911, *ch.* 832.]

§ 1164. Appellate division library, fourth department. The law library of the appellate division of the fourth department shall be kept in the court-house of Monroe county and without expense to the state for heat, light, janitor service, furniture, stationery supplies, binding and repair of books, which shall be provided by said county. This library shall be maintained as a free public library for the use of the people of the state, the appellate division of the supreme court in the fourth judicial department, the supreme court of the seventh judicial district and the local courts at Rochester. The consultation library heretofore provided for the appellate court shall be a part of this library but shall remain in the justices' chambers for their own personal use. The librarian of said library and an assistant librarian and their successors shall be appointed and may be removed at pleasure by the justices of the appellate division of the supreme court in the fourth judicial department. The librarian shall be paid an annual salary of three thousand dollars, to be paid in monthly instalments by the state comptroller which shall be levied and assessed by him upon the counties constituting the fourth judicial department, and the assistant librarian shall be paid by the county of Monroe, a salary to be fixed by the board of supervisors of said county. A certificate of the appointment of the librarian, signed by the presiding justice of the fourth judicial department, shall be filed with the comptroller of the state.

§ 1165. Supreme court libraries. The following supreme court law libraries are continued:

1. In the first judicial district the library formed by the consolidation of the libraries of the superior court of the city of New York and the court of common pleas of said city and county.

2. In the second judicial district the libraries at the borough of Brooklyn and at Newburgh and the Joseph F. Barnard memorial law library at Poughkeepsie.

3. In the third judicial district the library at Kingston and the library at Troy.

4. In the fourth judicial district the library at Saratoga Springs.

5. In the fifth judicial district the library at Utica.

6. In the sixth judicial district the libraries at Binghamton, Delhi and Elmira, and the David L. Follett memorial library at Norwich.

7. In the eighth judicial district the library at Buffalo.

8. In the ninth judicial district the library at White Plains.

§ 1166. Supreme court library at New York. The law libraries of the superior court of the city of New York and of the court of common pleas of said city and county as consolidated, and the books therein, shall be the law library of the supreme court in the first judicial district and shall be in the care and custody and under the control of the justices of the supreme court in said judicial district, or a majority of them, not designated as justices of the appellate division, who shall be the trustees thereof. The said trustees may make rules and regulations for the management and protection of said library and prescribe penalties for the violation thereof. They may sue for and recover such penalties and may maintain actions for injury to said library. They may appoint a librarian and fix his salary at not to exceed the sum of four thousand dollars per annum. They may also appoint an assistant librarian and a telephone operator and fix their salaries. They may procure proper furniture for said library, purchase books therefor and defray all the expenses incidental to its care and management. They shall yearly ascertain the amount necessary for the aforesaid purposes and certify it to the board of estimate and apportionment, who shall provide for raising and paying the same. [*Amended by L.* 1913, *ch.* 512, *in effect May* 14, 1913.]

§ 1167. Supreme court library in borough of Brooklyn. The supreme court library in the borough of Brooklyn shall be under the care and management of the trustees of the law library of the borough of Brooklyn; subject, however, to such orders, rules and regulations, touching the same, as may be made, from time to time, by a majority of the justices of the supreme court, residing in said district. All appropriations made for said library, shall be paid to the said trustees, to be by them disbursed in the purchase of books for said library. The said trustees may make rules and regulations for the management and protection of said library, and prescribe penalties for the violation thereof; they may sue for and recover such penalties, and may maintain actions for injuries to said library, and may procure proper furniture for said library, hire suitable rooms, employ a librarian, provide fuel and lights, and defray all the incidental expenses of the care and management of said library; they shall yearly ascertain the amount necessary for the aforesaid purposes, and certify it to the board of estimate and apportionment of the city of New York, who shall pay the same. They shall yearly make a report to the regents of the university, of the additions made to said library during the preceding year.

§ 1168. Supreme court library at Newburgh. The second judicial district law library at Newburgh shall be in charge of and under the care of the trustees of the Orange county referee law library association, and shall be governed by such rules as said trustees with the approval of a justice of the supreme court of the second judicial district may prescribe. The board of supervisors of Orange county shall, subject to the approval of a justice of the supreme court of said district, provide suitable and proper rooms in which said library shall be placed and kept, and the annual rent of said rooms and the necessary expense of care for said library shall be a county charge payable by the treasurer of said county upon vouchers approved by a justice of the supreme court of said district.

The said trustees shall appoint a librarian for such library, who shall hold office during their pleasure. Such librarian shall receive an annual salary not to exceed six hundred dollars, which shall be paid to him quarterly by the treasurer of the county of Orange, out of money appropriated for the court expenses in said county.

It shall be the duty of said trustees to effect an insurance upon said library, the cost whereof shall be paid in like manner by the comptroller of the state of New York upon a certificate, from the appropriations that may be from time to time made for the maintenance of said library. Such insurance shall be made in the name of the people of the state of New York, and in case of loss the amount thereof shall be expended in the purchase of new books for said library, in the same manner that the original appropriations were used for that purpose.

§ 1169. Joseph F. Barnard memorial library at Poughkeepsie. The Joseph F. Barnard memorial library located in the Dutchess county court-house at Poughkeepsie shall be under the care and management of a board of trustees, which board shall consist of five members. The trustees now in office shall continue to serve for the terms for which they were appointed. At the expiration of such terms the governor shall appoint their successors, each of whom shall serve for five years and until his successor is appointed. Such appointment shall be made from among the members of the Dutchess county bar who shall have practiced law for at least ten years. Said board of trustees shall have power to receive by gift or bequest any property for the purpose of a law library and hold and manage the same, and may make rules and regulations for the management and protection of said library and prescribe penalties for the violation thereof. They may sue for and recover such penalties and may maintain actions for any injury to said library or property connected therewith. They may procure proper furniture for said library and defray all the expenses of the care and management of said library, including insurance, and the amounts required therefor shall be paid by the treasurer of the county of Dutchess upon the certificate of a justice of the supreme court of the second judicial district or of the county judge of Dutchess county, out of the moneys raised in said county for court and jury expenses, which sums as well as the salary of the librarian hereinafter specified shall be a county charge upon the county of Dutchess. All appropriations made for said library shall be paid by the treasurer of the state to said trustees to be by them or by a majority of them disbursed for the purchase of books for said library and for the necessary rebinding of the same.

The librarian of the Joseph F. Barnard memorial law library shall be appointed by said board and shall hold office at the

pleasure of said board. The salary of said librarian shall be fixed by the board of supervisors of the county of Dutchess and shall be paid quarterly on the first days of January, April, July and October in each year by the treasurer of the county of Dutchess out of the moneys raised in said county for court and jury expenses upon the certificate of the Dutchess county judge. Said librarian shall be subject to the direction of the said board and shall be governed by such rules as it shall from time to time establish.

§ 1170. Supreme court library at Kingston. The justice of the supreme court residing in the city of Kingston is hereby authorized from time to time to appoint a librarian to take charge of the law library of the third judicial district, located at Kingston, who shall be paid a salary of six hundred dollars per year, the amount to be payable upon the certificate of said justice out of the moneys raised in the county of Ulster for court expenses by the treasurer thereof, upon the presentation of such certificate.

It shall also be the duty of said justice, so residing at Kingston, to effect an insurance upon said library, the cost whereof shall be paid in like manner by the comptroller of the state of New York upon a like certificate. Such insurance shall be made in the name of the people of the state of New York, and in case of loss the amount thereof shall be expended in the purchase of new books for said library, in the same manner that the original appropriations were used for that purpose.

§ 1171. Supreme court library at Saratoga. The justices of the supreme court of the fourth judicial district for the time being shall be ex officio trustees of the supreme court library at Saratoga, and the same shall be under the care and management of the said trustees; and it shall be the duty of the said justices, by a majority of their said number, from time to time to make orders, rules and regulations touching the care, management, protection and due preservation of the said library, and prescribe penalties for the violation thereof, and they may sue for and recover such penalties for violation thereof, and may maintain actions for injuries to said library. They may procure proper furniture for said library, hire suitable rooms, appoint a suitable librarian, provide fuel and lights, and defray all incidental expenses of the care and management of the said library.

All appropriations made for said library shall be paid to said

trustees, to be by them disbursed in the purchase of books for said library. The said trustees shall report annually to the trustees of the state library the catalogue of books in the said library, and the state and condition thereof. The trustees of the state library are hereby authorized to place in said library any duplicates of books in their possession not needed in the state library.

§ 1172. Supreme court library at Utica. A justice of the supreme court residing in the city of Utica, if there be a resident justice in said city, and if not, a justice of the supreme court residing in the county of Oneida, is hereby authorized to appoint from year to year beginning September first, nineteen hundred and eight, a librarian to take charge of the law library in the fifth judicial district, located in the city of Utica, who shall be paid a salary to be fixed by said judge not exceeding one thousand dollars per year. The said judge may also appoint an assistant librarian if in his judgment such assistant is necessary, who shall hold office during the pleasure of said judge, and who shall be paid a salary fixed by him not exceeding six hundred dollars per year. Said salaries shall be payable on the certificate of the said justice of the supreme court residing in the city of Utica, if there be such justice, and if not, on the certificate of a justice of the supreme court residing in the fifth judicial district, out of the moneys raised in the county of Oneida for court expenses by the treasurer thereof, upon the presentation of such certificate.

§ 1173. Supreme court library at Binghamton. All books purchased for the supreme court library, located at Binghamton, under and in pursuance of the laws of the state relating thereto shall be purchased by the justice of the supreme court residing at that place, or if there be no justice there, then by the justice residing nearest to the city of Binghamton. The books so purchased shall be paid for on the order of such justice.

The librarian of such library shall be appointed by said justice, and shall hold office during his pleasure. The salary of said librarian shall be paid monthly in each year, and the amount thereof shall be fixed in the month of October in each year for the following year by said justice, which shall be paid by the county of Broome, but shall not exceed six hundred dollars in any one year. Said librarian shall be subject in all respects to the direction of said justice, and shall be governed by such rules and regulations as he shall make from time to time.

The board of supervisors of Broome county shall provide a suitable room or rooms and suitable cases in the court-house at Binghamton for said supreme court library. The contingent expenses of said library, except for the purchase of books, shall be paid as heretofore by the county of Broome; which contingent expenses must be first certified to be correct by one of said justices or by the county judge of said county. Said court may have said library insured for the benefit of said library and the policies made payable to the clerk of the county of Broome and any insurance money received shall be invested and shall be paid out by said clerk under the orders of the justice of the supreme court charged with the purchase of books for said library, in restoring said library, in purchasing additional books therefor and in paying expenses necessarily incurred by reason of a fire in removing and caring for said library and in adjustment of the loss under the policies of insurance thereon.

The librarian of said library shall, upon the written request of any justice of the supreme court of such district, send to said justice any of the books contained in said library, and pay the charges for sending and returning the same. The sum so paid by him shall be repaid to him out of any moneys appropriated for the support or maintenance of said library, upon being duly certified by a majority of the justices of the supreme court of said district.

§ 1174. Supreme court library at Delhi. The justices of the supreme court of the sixth judicial district, or a majority of them, shall appoint a librarian for the supreme court library, located at Delhi, Delaware county, which librarian shall hold his office during the pleasure of said justices. Such appointment shall be in writing and signed by a majority of said justices and filed in the office of the clerk of Delaware county. The salary of such librarian shall be five hundred dollars per annum, and shall be paid in quarterly payments of one hundred and twenty-five dollars each, on the last day of each of the months of March, June, September and December of each year, by the county treasurer of the county of Delaware, from the funds in his hands as such treasurer. Said librarian shall be subject to the directions of said justices, and shall be governed by such rules and regulations as they shall make from time to time.

§ 1175. Supreme court library at Elmira. The supreme court library at Elmira shall be under the care and man-

agement of a board of trustees which board shall consist of three members who shall be appointed by the governor from among the members of the Chemung county bar who shall have practiced law for at least ten years. At the expiration of the terms of the trustees now in office the governor shall appoint their successors, each of whom shall serve for three years and until his successor is appointed. All appropriations made for said library shall be paid to said trustees, to be by them or a majority of them disbursed in the purchase of books for said library. The said trustees may make rules and regulations for the management and protection of said library and prescribe penalties for the violation thereof. They may sue for and recover such penalties, and may maintain actions for injuries to said library. They may procure proper furniture for said library; hire suitable rooms; provide fuel and lights; and defray all the incidental expenses of the care and management of said library, including the insurance thereof. The amounts required therefor shall be paid by the treasurer of the county of Chemung, upon the certificate of the resident justice of the supreme court, if there be one, and if not, upon the certificate of any justice of the supreme court of the district, out of the moneys raised in said county for court expenses, which sums, as well as the salary of the librarian hereafter specified, shall be a county charge upon said county of Chemung.

The librarian of said library shall be appointed by said board, and shall hold office during the pleasure of said board. The salary of said librarian shall be paid quarterly on the first days of January, April, July and October in each year and the amount thereof shall be fixed in the month of October in each year for the following year by said board, but such salary shall not exceed six hundred dollars in any year, and the same shall be paid by the treasurer of the county of Chemung out of the moneys raised in said county for court expenses, upon the certificate of the resident justice of the supreme court, if there be one, and if not, upon the certificate of any justice of the supreme court in the district. Said librarian shall be subject to the directions of said board and shall be governed by such rules as it shall from time to time make.

§ 1176. David L. Follett memorial library at Norwich. The supreme court library at Norwich, known as "The David L. Follett Memorial Library" shall be under the care and management of a board of trustees which board shall con-

sist of five members who shall be appointed by the governor from among the members of the Chenango county bar who shall have practiced law for at least ten years. At the expiration of the terms of the trustees now in office the governor shall appoint their successors, each of whom shall serve for five years and until his successor is appointed. The said board of trustees shall have power to receive by gift or devise, any property conveyed for the purpose of a law library and hold and manage the same and may make rules and regulations for the management and protection of said library and prescribe penalties for the violation thereof. They may sue for and recover such penalties and may maintain actions for any injury to said library or its property. They may procure proper furniture for said library; hire suitable rooms; provide fuel and lights, and defray all the incidental expenses of the care and management of said library, including the proper insurance thereof. The amounts required therefor shall be paid by the treasurer of the county of Chenango, upon the certificate of a resident justice of the supreme court, if there be one, and if not, upon the certificate of any justice of the supreme court of the sixth judicial district, out of the moneys raised in said county for court expenses, which sums as well as the salary of the librarian hereinafter specified, shall be a county charge upon said county of Chenango. All appropriations made for said library shall be paid by the treasurer of the state to said trustees, to be by them or by a majority of them disbursed in the purchase of books for said library and for the necessary rebinding of the same.

The librarian of the said library shall be appointed by said board, and shall hold office during the pleasure of said board. The salary of said librarian shall be paid quarterly on the first days of January, April, July and October in each year and the amount thereof shall be fixed in the month of October in each year for the following year by said board, but such salary shall not exceed five hundred dollars in any year, and the same shall be paid by the treasurer of the county of Chenango out of the moneys raised in said county for court expenses upon the certificate of the resident justice of the supreme court, if there be one; and if not upon the certificate of any justice of the supreme court in said district. Said librarian shall be subject to the direction of the said board and shall be governed by such rules as it shall from time to time establish and ordain.

§ 1177. Supreme court library at Buffalo. The supreme court library at Buffalo shall be under the care and management of the present trustees and their successors in office; who shall be known as the trustees of the law library of the eighth judicial district. In case of a vacancy in said board of trustees it shall be filled at a term of the appellate division of the supreme court of the fourth judicial department, by the justices thereof, who shall appoint to such vacancy either a justice of the supreme court residing in the eighth judicial district or an attorney and counselor at law residing in the eighth judicial district and of at least ten years' standing at the bar; provided, however, that at all times at least four of the trustees of said library shall be residents of the county of Erie. All appropriations made for said library shall be paid to the said trustees, to be by them disbursed in the purchase of books, and in the repair of books, for said library. The said trustees shall appoint a suitable person librarian of said library, who shall receive an annual salary of two thousand five hundred dollars, to be paid by the comptroller in monthly instalments, upon the certificate of the treasurer of the trustees of said library, which said amount shall be levied and assessed by the comptroller, one-half upon the county of Erie, and the residue thereof upon the several remaining counties constituting the eighth judicial district, in proportion to the assessed valuation of the real and personal property in said counties. The said trustees may make rules and regulations for the management and protection of said library, and prescribe penalties for the violation thereof; and may sue for and recover such penalties, and may maintain actions for injuries to said library; they may procure proper furniture for said library, hire suitable rooms, employ assistants to said librarian, provide fuel and lights, and defray all the incidental expenses of the care and management of said library; they shall yearly ascertain the amount necessary for the aforesaid purposes and certify it to the board of supervisors of Erie county, who shall pay the same. They shall yearly make a report to the regents of the university of the state of said library. The said library shall be maintained as a free public library for the use of the people of the state, the supreme court of the eighth judicial district, and the local courts of the county of Erie and of the city of Buffalo. [*Amended by L.* 1911, *ch.* 58, *in effect April* 5, 1911.]

§ 1178. Supreme court library at White Plains. The supreme court library at White Plains shall be under

the care and management of a board of trustees, which board shall consist of five members, who shall be appointed by the governor, from among the members of the Westchester county bar, who have practiced law for at least ten years. At the expiration of the terms of the members of said board of trustees now in office the governor shall appoint successors to said trustees, who shall serve for five years and until their successors have been appointed. The said board of trustees shall have power to receive by gift, devise or bequest any property given or conveyed for the purpose of a law library, and hold and manage the same, and may make rules and regulations for the management and protection of said library and prescribe penalties for the violation thereof. They may sue for and recover such penalties and may maintain actions for any injury to said library or its property. They may procure proper furniture for said library; hire suitable rooms, provide fuel and lights and defray all the incidental expenses of the care and management of said library including the proper insurance thereof. The amounts required therefor shall be paid by the treasurer of the county of Westchester, upon the certificate of a resident justice of the supreme court, if there be one, and if not, upon the certificate of any justice of the supreme court of the ninth judicial district, out of the moneys raised in said county for court expenses, which sums, as well as the salary of the librarian hereinafter specified, shall be a county charge upon said county of Westchester. All appropriations made by the state for said library for purposes not hereinbefore otherwise provided for shall be paid by the treasurer of the state, upon the warrant of the comptroller, to said trustees to be by them, or a majority of them, disbursed in the purchase of books for said library and for maintenance and supplies. The librarian of said library, who shall be a regularly admitted attorney and counselor-at-law who has practiced law for at least five years, shall be appointed by said board of trustees and shall hold office during the pleasure of said board. The amount of the salary of said librarian shall be fixed by said board of trustees, and shall be paid in monthly instalments by the treasurer of the county of Westchester out of the moneys raised in said county for court expenses, upon the certificate of a resident justice of the supreme court, if there be one, and if not, upon the certificate of any justice of the supreme court of the ninth judicial district. Said librarian shall be subject to the direction of the said board of trustees and shall be governed by such rules as it shall from time to time establish and ordain.

§ 1179. Supreme court library at Troy. The supreme court library at Troy shall be under the care and management of a board of trustees, which board shall consist of three members, who shall be appointed by the governor from among the members of the Rensselaer county bar, who shall have practiced law in said county for at least ten years. At the expiration of the terms of the members of said board of trustees now in office the governor shall appoint successors to said trustees who shall serve for three years and until their successors have been appointed. The said board of trustees shall have power to receive, by gift or devise, any property conveyed for the purpose of a law library and hold and manage the same and may make rules and regulations for the management and protection of said library and prescribe penalties for the violation thereof. They may sue for and recover such penalties and may maintain actions for any injury to said library or its property. They may procure proper furniture for said library; and defray all the incidental expenses of the care and management of said library, including insurance thereof and telephone service. The amounts required therefor shall be paid by the treasurer of the county of Rensselaer, upon the certificate of a resident justice of the supreme court, if there be one, and if not upon the certificate of any justice of the supreme court of the third judicial district, out of the moneys raised in said county for court expenses, which sums as well as the salary of the librarian hereinafter specified, shall be a county charge upon said county of Rensselaer. All appropriations made for said library shall be paid by the treasurer of the state to said trustees to be by them or by a majority of them disbursed in the purchase of books for said library and for the necessary rebinding of the same. The board of supervisors of Rensselaer county shall provide within the court house in the city of Troy, suitable rooms for said library, and shall provide heat and light therefor. The librarian of the supreme court library at Troy shall be appointed by said board, and shall hold office during the pleasure of said board. The salary of said librarian shall be paid quarterly on the first days of January, April, July and October in each year and the amount thereof shall be fixed in the month of October in each year for the following year by said board, and the same shall be paid by the treasurer of the county of Rensselaer out of the moneys raised in said county for court expenses upon the certificate of the resident justice of the supreme

court, if there be one; and if not upon the certificate of any justice of the supreme court in said district. Said librarian shall be governed by such rules as it shall from time to time establish and ordain.

§ 1180. City court of the city of New York. The law library of the city court of the city of New York shall be kept in the court house thereof, and shall be in the care and custody and under the control of the justices of the said court, who shall be the trustees thereof. The said trustees may make rules and regulations for the management and direction of the said library and prescribe penalties for the violation thereof. They may sue for and recover said penalties and may maintain actions for injury to said library. They may appoint a librarian, whose salary shall be fixed by the board of estimate and apportionment of said city. The said librarian shall, in addition to the duties of taking care of the books of the library, also perform such duties in relation to the custody and distribution of the stationery and other supplies furnished for the use of the city court, and such other duties, as the justices direct. The said trustees may procure furniture for said library and shall defray all the expenses incidental to its care and management. They shall yearly ascertain the amount necessary for the aforesaid purposes and certify it to the board of estimate and apportionment of the city of New York, which shall include in the annual budget such sums as said board may deem advisable, which sums shall be paid by the city of New York. [*Added by L.* 1911, *ch.* 824.]

§ 1180. Supreme court library in Queens county. There is hereby established a law library in the second judicial district, to be located in the county of Queens in the borough of Queens in the city of New York, which shall be designated as the supreme court library in the county of Queens. The said library shall be under the care and management of a board of trustees which shall consist of five members who shall be appointed by the resident supreme court justice or justices of the county of Queens from among the members of the Queens county bar who have practiced law for at least ten years. If there shall be no resident supreme court justice in the county of Queens, then the appointment of the trustees shall be made by a majority of the justices of the appellate division of the supreme court for the second judicial department. Upon the passage of this act there shall be appointed in the manner above mentioned, one member of said

board of trustees who shall serve until the thirty-first day of December, nineteen hundred and eleven; one member who shall serve until the thirty-first day of December, nineteen hundred and twelve; one member who shall serve until the thirty-first day of December, nineteen hundred and thirteen; one member who shall serve until the thirty-first day of December, nineteen hundred and fourteen; and one member who shall serve until the thirty-first day of December, nineteen hundred and fifteen. At the expiration of such terms there shall be appointed in the manner above mentioned, successors to said trustees, each of whom shall serve for five years and until his successor shall be appointed. The said board of trustees shall have power to receive by gift, devise or bequest any property given or conveyed for the purpose of a law library and hold and manage the same and may make rules and regulations for the management and protection of said library and prescribe penalties for the violation thereof. They may sue for and recover such penalties and may maintain actions for any injury to the said library or its property. They may procure proper furniture for said library; hire suitable rooms; provide fuel and lights and defray all incidental expenses of the care and management of said library, including the proper insurance thereof, and employ and appoint such persons as they may think necessary for the proper care, management and maintenance of said library, said appointees and employees to be selected from the appropriate civil service eligible list as required by law. They shall yearly ascertain the amount necessary for the aforesaid purposes and certify it to the board of estimate and apportionment of the city of New York, which shall include in the annual budget such sums as said board of estimate shall deem advisable, which sums shall be paid by the city of New York. All appropriations made by the state for the said library for purposes not otherwise herein provided for shall be paid by the treasurer of the state upon the warrant of the comptroller to the said trustees, to be by them, or a majority of them, disbursed in the purchase of books for said library. [*Added by L.* 1911, *ch.* 557.]

§ 1180-b. Law library for the county officials of the county of Bronx. The law library for the county officials of the county of Bronx shall be kept wherever designated by the trustees thereof and shall be in the care and custody and under the control of the surrogate, county judge and the district at-

torney, who shall be the trustees thereof. The said trustees may make rules and regulations for the management and direction of the said library and prescribe penalties for the violation thereof. They may sue for and recover said penalties and maintain actions for injury to said library. They may appoint and at pleasure remove a librarian, whose salary shall be fixed by the board of estimate and apportionment of the city of New York and shall be a county charge. The said librarian shall, in addition to the duties of taking care of the books of the library, also perform such duties in relation to the custody and distribution of the stationery and other supplies furnished for the use of said library and such other duties as the trustees direct. The said trustees may procure furniture for said library and shall defray all expenses incidental to its care and management. They shall yearly ascertain the amount necessary for the aforesaid purposes and certify it to the board of estimate and apportionment of the city of New York, which shall include in the annual budget such sums as said board may deem advisable, which sums shall be paid by the city of New York, and shall be a county charge. [*Added by L.* 1914, *ch.* 385, *in effect April* 16, 1914.]

§ 1181. Supreme court law library at Watertown. The supreme court law library at Watertown, New York, in and for the fifth judicial district, shall be in charge of and under the care of the trustees of the Watertown law library and shall be governed by such rules as the trustees thereof may prescribe. The board of supervisors of Jefferson county shall provide suitable and proper rooms in which said library shall be kept. The county judge, with the consent of a majority of the said trustees, may appoint and at pleasure, with like consent, remove a librarian who shall also act as clerk to the county judge and whose salary shall be six hundred dollars per annum and payable by the treasurer of said county out of the moneys appropriated for court expenses in said county. The said trustees may effect an insurance upon said library payable to the State of New York or any other parties in whom the title to any part of said books shall be vested. In case of loss insurance moneys may be expended by said trustees in the purchase of books to replace those destroyed. Insurance effected for the State of New York shall be paid by the Comptroller upon a certificate of said trustees from appropriations applicable thereto. [*Added by L.* 1914, *ch.* 343, *as amended by L.* 1915, *ch.* 108, *in effect March* 24, 1915.]

§ 1182. The Supreme Court law library at Riverhead. The Supreme Court law library at Riverhead, New York, in and for the second judicial district, shall be under the care and management of a board of three trustees who shall be members of the Suffolk county bar and who shall be selected by the justice of the Supreme Court residing in Suffolk county. Such trustees shall have power to receive by gift, devise or bequest any property given or conveyed for the purpose of a law library. The foundation of such law library shall be the law books and other library property now belonging to the Suffolk County Bar Association when the same shall be conveyed to such trustees by such bar association. It shall be the duty of such trustees to hold and manage the property of such library and to make rules and regulations for the management and protection of the same, and to prescribe penalties for the violation thereof. They may sue for and recover such penalties and maintain actions for any injury to such library or its property. They may procure proper furnishings, provide rooms, fuel and lights for such library and defray all incidental expenses for the care and management of same as well as the salary of a librarian. The amounts required therefor shall be paid by the treasurer of the county of Suffolk upon the certificate of a resident justice of the Supreme Court of the second judicial district, out of the moneys raised in such county for court expenses, which amounts shall be a county charge upon such county of Suffolk. The librarian shall be appointed by such board of trustees and shall hold office during their pleasure. Such trustees shall fix the salary of such librarian, which shall not exceed six hundred dollars per annum, and such salary shall be paid in equal monthly payments. [*Section added by L.* 1916, *ch.* 231, *in effect April* 17, 1916.]

ARTICLE 45-A

[*Article inserted by L.* 1912, *ch.* 319.]

State School of Agriculture on Long Island

Section 1185. Establishment and control.
1186. Immediate supervision and management.
1187. Instruction and other operations.
1188. Establishment of an advisory board.

§ 1185. Establishment and control. There shall be established on Long Island an institution to be known as the New York State School of Agriculture on Long Island. The com-

missioner of education shall have the same general powers and duties in respect thereto as possessed by such commissioner concerning the schools and institutions mentioned in subdivisions two, three and four of section ninety-four of this chapter.

§ 1186. Immediate supervision and management. Such school and the school property shall be under the immediate supervision, care and management of a board of nine trustees, of whom the governor shall appoint one from each of the five boroughs of the city of New York, two from the county of Nassau and two from the county of Suffolk. They shall be so appointed that the terms of office of three trustees shall expire each year. All trustees shall serve without pay. The board of trustees shall have the power to employ, and to fix the compensation of a director, teachers and such other persons as it may deem necessary for the welfare of the school, and on charges duly proven to the satisfaction of the said board of trustees, a director or teacher may be discharged and removed, provided it shall be so voted by two-thirds of the members of the board, and any such removal shall have the indorsement and approval of the state commissioner of education. The board of trustees shall have power to do all other things lawful and necessary to carry into effect the objects and purposes of this article; subject, however, to such advisory cooperation of the state commissioner of education, as may be deemed necessary. Students bona fide residents of the state shall have free tuition. All moneys received for the school, except moneys from the state treasury and donations, shall be reported and forwarded monthly to the state treasurer. Unless otherwise provided by statute moneys appropriated for maintenance, or any item of maintenance, of such school shall be paid out by the state treasurer on the warrant of the comptroller on the order of the board of trustees upon vouchers approved by such board and by the commissioner of agriculture. [*Amended by L.* 1915, *ch.* 482, *in effect May* 3, 1915.]

§ 1187. Instruction and other operations. Such school shall furnish instruction and training in agricultural science, manual arts and domestic science; courses for public school teachers and others; winter courses for farmers and others, and such other operations as may be approved by the trustees and the commissioner of education. The provisions of section six hundred and seven of this chapter apply to such school.

§ 1188. Establishment of an advisory board. [*Repealed by L.* 1915, *ch.* 482.]

ARTICLE 46

[*Article added by L.* 1913, *ch.* 424, *in effect April* 30, 1913.]

Divisions of History and Public Records

Section 1190. Divisions created.
1191. Functions of the division of history.
1192. Powers of regents in respect to public records and historical documents, et cetera.
1193. General duties of supervisor of public records.
1194. What are public records.
1195. Functions of the division of public records.
1196. Safeguarding of public records.
1197. Destruction of public records.
1198. Penalty.

§ 1190. Divisions created. The division of public records and the division of history in the education department, and the offices of supervisor of public records and state historian, as created and continued by chapter three hundred and eighty of the laws of nineteen hundred and eleven, are hereby continued as so constituted, with the powers and duties herein prescribed. Such divisions and officers and the employees thereof shall be subject to the same provisions of law and rules as the other divisions and employees of the education department. [*Added by L.* 1913, *ch.* 424, *in effect April* 30, 1913.]

§ 1191. Functions of the division of history. It shall be the function of the division of history, subject to the regulations of the regents, to collect, collate, compile, edit and prepare for publication all official records, memoranda, statistics and data relative to the history of the colony and state of New York.

It shall also be the function of the division of history in collaboration with the division of public records, when authorized by the commissioner of education so to do, to collate, compile, edit and prepare for publication as above, the official records, archives or papers of any of the civil subdivisions of the state.

And it shall further be the function of the division of history to collate, compile, edit and prepare for publication as above such archives, records, letters and manuscripts, belonging to the state or any of its officers or departments, or to any historical or

patriotic society or association chartered by the regents or by statute law, or any other archives, records, papers and manuscripts, as in the judgment of the state historian but by authority of the commissioner of education, it shall be deemed for the best interests of the state to publish, for the preservation of the state's history. [*Added by L.* 1913, *ch.* 424, *in effect April* 30, 1913.]

§ 1192. Powers of regents in respect to public records and historical documents, et cetera. The education department, pursuant to the education law, shall, on and after October one, nineteen hundred and eleven, have general and exclusive supervision, care, custody and control of all public records, books, pamphlets, documents, manuscripts, archives, maps and papers of any public office, body, board, institution or society now extinct, or hereafter becoming extinct, the supervision, care, custody and control of which are not already or shall not hereafter be otherwise provided for by law.

Such department shall take such action as may be necessary to put the records hereinabove specified, except as aforesaid, in the custody and condition contemplated by the various laws relating thereto and shall provide for their restoration and preservation, and cause copies thereof to be made whenever by reason of age, use, exposure or any casualty, such copies shall in their judgment be necessary. Whenever such copy is made, and after it has been compared with the original, it shall be certified by the official person, board or officer having the legal custody and control of said original, and shall thereafter be considered and accepted as evidence and, for all other purposes, the same as the original could be; provided that the original shall be thereafter cared for and preserved, the same as if no such copy had been made, for such examination as may be directed by an order of court in any action or proceeding in which the accuracy of the copy is questioned.

The officers of any county, city, town or village or other political division of the state or of any institution or society created under any law of the state may transfer to the regents records, books, pamphlets, manuscripts, archives, maps, papers and other documents which are not in general use, and it shall be the duty of the regents to receive the same and to provide for their custody and preservation. [*Added by L.* 1913, *ch.* 424, *in effect April* 30, 1913.]

§ 1193. General duties of supervisor of public records. The supervisor of public records shall examine into the condition of the records, books, pamphlets, documents, manuscripts, archives, maps and papers kept, filed or recorded, or hereafter to be kept, filed or recorded in the several public offices of the counties, cities, towns, villages or other political divisions of the state, and all other public records, books, pamphlets, documents, manuscripts, archives, maps and papers heretofore or hereafter required by law to be kept by any public body, board, institution or society, created under any law of the state in said counties, cities, towns, villages or other political divisions of the state, except where the same conflicts with the present duties and office of the commissioner of records in the county of Kings and the commissioner of records in the county of New York. [*Added by L.* 1913, *ch.* 424, *in effect April* 30, 1913.]

§ 1194. What are public records. In construing the provisions of this chapter and other statutes, the words " public records " shall, unless a contrary intention clearly appears, mean any written or printed book or paper, or map, which is the property of the state, or of any county, city, town or village or part thereof, and in or on which any entry has been made or is required to be made by law, or which any officer or employee of the state or of a county, city, town or village has received or is required to receive for filing.

All public records inscribed by public officials, other than maps shall be entered or recorded in durable ink on linen paper durably made and well finished. [*Added by L.* 1913, *ch.* 424, *in effect April* 30, 1913.]

§ 1195. Functions of the division of public records. It shall be the duty of the division of public records to take all necessary measures for the proper inscription, the retrieval, the care and the preservation of all public records in the various political divisions of the state, except as described in section eleven hundred and ninety-three.

The division of public records shall advise with and recommend to public officers hereinbefore described, as to the methods of inscribing, as to the materials used in, and as to the safety and preservation of all public records. The recommendations of the division of public records may be enforced by an order issued by a justice of the supreme court upon application of the commissioner of education, either with or without notice to the

proper public officer, as such justice may require. [*Added by L.* 1913, *ch.* 424, *in effect April* 30, 1913.]

§ 1196. Safeguarding of public records. Every person who has the custody of any public record books of a county, city, town or village shall, at its expense, cause them to be properly and substantially bound. He shall have any such books which may have been left incomplete, made up and completed from the files and usual memoranda, so far as practicable.

Officers or boards in charge of the affairs of counties, cities, towns and villages shall provide and maintain fireproof rooms, vaults, safes or other fire-resisting receptacles made of noncombustible materials, of ample size for the safe-keeping of the public records in their care, and shall furnish such rooms only with fittings of noncombustible material, the cost to be a charge against such county, city, town or village. All such records shall be kept in the buildings in which they are ordinarily used, and so arranged that they can be conveniently examined and referred to. When not in use, they shall be kept in the vaults, safes or other fire-resisting receptacles provided for them. [*Added by L.* 1913, *ch.* 424, *in effect April* 30, 1913.]

§ 1197. Destruction of public records. No officer of the state or of any county, city, town or village or other political division of the state, or of any institution or society created under any law of the state, shall destroy, sell or otherwise dispose of any public record, original or copied, or of any archives, in his care or custody or under his control, and which are no longer in current use, without first having advised the commissioner of education of their nature and obtained his consent. [*Added by L.* 1913, *ch.* 424, *in effect April* 30, 1913.]

§ 1198. Penalty. A public officer who refuses or neglects to perform any duty required of him by this chapter or to comply with a recommendation of the commissioner of education under the authority of this act, shall for each month of such neglect or refusal, be punished by a fine of not less than twenty dollars. [*Added by L.* 1913, *ch.* 424, *in effect April* 30, 1913.]

ARTICLE 46

[*Article added by L.* 1913, *ch.* 676.]

The New York-American Veterinary College

Section 1190. The New York-American Veterinary College; to be a state veterinary college.
1191. Objects.
1192. Extent to which property may be held.
1193. Appropriations; report; scholarships; tuition fee.

§ 1190. The New York-American Veterinary College; to be a state veterinary college. The New York-American Veterinary College, one of the schools or departments of the New York University of the city of New York, is hereby adopted as the state veterinary college for the eastern portion of the state, so long as the work of the said veterinary college shall continue to be carried on either at its present location in West Fifty-fourth street in the city of New York, or elsewhere in the city of New York.

§ 1191. Objects. The objects of the said veterinary college shall hereafter embrace the conducting of an investigation as to the nature, prevention and cure of all diseases of animals, including such as are communicable to man and such as cause epizootics among live stock; to investigate the economical questions which will contribute to the more profitable breeding, rearing and utilization of animals; to produce reliable standard preparations of toxins, antitoxins and other products to be used in the diagnosis, prevention and cure of diseases and in the conducting of sanitary work by approved modern methods; and to give instruction in the normal structure and function of the animal body, in the pathology, prevention and treatment of animal diseases, and in all matters pertaining to sanitary science as applied to live stock, and correlatively to the human family.

§ 1192. Extent to which property may be held. All buildings, furniture, apparatus and other property heretofore or hereafter erected or furnished by the state for such veterinary college shall be and remain the property of the state. New York University shall have the custody and control of said property, and shall, with whatever state moneys may be received for the

purpose, administer the said veterinary college, with authority to appoint investigators, teachers and other officers, to lay out lines of investigation, to prescribe the requirements for admission and the course of study, and with such other power and authority as may be necessary and proper for the due administration of such veterinary college. Said university shall receive no income, profit or compensation therefor, but all moneys received from state appropriations for the said veterinary college or derived from other sources in the course of the administration thereof shall be kept by said university in a separate fund from the moneys of the university, and shall be used exclusively for said New York-American Veterinary College.

§ 1193. Appropriations; report; scholarships; tuition fee. The moneys that may be appropriated to be paid to the New York University by the state in any year to be expended by the said university in the administration of said veterinary college shall be payable to the treasurer of the New York University in three equal payments, to be made on the first day of October, the first day of January and the first day of April in such year; and within thirty days after the expiration of the period for which each installment is received the said university shall furnish the comptroller of the state of New York satisfactory vouchers for the expenditure of such installment. The said university shall expend such moneys and use such property of the state in administering said veterinary college, and shall report to the governor during the month of January in each year a detailed statement of such expenditures and of the general operations of the said veterinary college. Tuition shall be given free in this school to one student from each assembly district of the portion of this state lying east of the line drawn from Port Jervis to Utica and thence to Ogdensburg. This free tuition scholarship for each assembly district to be awarded from time to time by the faculty of the school upon competitive examination. The tuition fees charged to other students and all other fees and charges in said veterinary college shall be fixed by the New York University, and the moneys so received shall be expended for the current expenses of the said veterinary college.

ARTICLE 47

[*Article renumbered by L.* 1913, *chs.* 424 *and* 676.]

Laws Repealed; Saving Clause; When to Take Effect

Section 1200. Laws repealed.
1201. Saving clause.
1202. When to take effect.

§ 1200. Laws repealed. Of the laws enumerated in the schedule hereto annexed, that portion specified in the last column is hereby repealed. [*Section renumbered by L.* 1913, *ch.* 424, *also erroneously renumbered by L.* 1913, *ch.* 676.]

§ 1201. Saving clause. Nothing herein contained shall be construed to impair or in any manner affect or change any special law touching the schools or school system of any city or incorporated village unless the same is so stated. [*Section renumbered by L.* 1913, *ch.* 424, *also erroneously renumbered by L.* 1913, *ch.* 676.]

§ 1202. When to take effect. This chapter shall take effect immediately. [*Section renumbered by L.* 1913, *ch.* 424, *also erroneously renumbered by L.* 1913, *ch.* 676.]

SCHEDULE OF LAWS REPEALED.

Revised Statutes....	Part 1, chapter 9, title 8	All
Revised Statutes....	Part 1, chapter 15, title 1	All
Revised Statutes....	Part 1, chapter 15, title 2	All
Revised Statutes....	Part 1, chapter 15, title 3	All
Revised Statutes....	Part 1, chapter 15, title 4	All
Revised Statutes....	Part 1, chapter 15, title 5	All

Laws of	Chapter	Section
1784.....	51.....	All (7th Sess.)
1784.....	15.....	All (8th Sess.)
1787.....	82.....	All
1791.....	45.....	All
1795.....	75.....	All
1796.....	49.....	All
1797.....	34.....	All
1798.....	48.....	All
1801.....	189.....	3
1801.....	195.....	28

Laws of	Chapter	Section
1802.....	30.....	All
1807.....	135.....	All
1808.....	218.....	All
1809.....	156.....	4
1810.....	85.....	10
1811.....	246.....	53, 54
1812.....	131.....	All
1812.....	242.....	All
1813.....	52.....	All
1813.....	100.....	All
R. L. 1813...	59.....	All
R. L. 1813...	82.....	17
1814.....	27.....	All
1814.....	192.....	All
1815.....	207.....	All
1815.....	252.....	All
1816.....	202.....	All
1817.....	89.....	All
1818.....	276.....	All
1819.....	161.....	All
1819.....	164.....	All
1819.....	239.....	All
1820.....	224.....	All
1821.....	48.....	All
1821.....	61.....	All
1821.....	73.....	All
1821.....	240.....	2
1822.....	234.....	All
1822.....	256.....	All
1823.....	189.....	All
1823.....	193.....	All
1823.....	269.....	27
1824.....	131.....	All
1824.....	239.....	22
1824.....	276.....	9
1825.....	166.....	1–3, 5
1825.....	203.....	All
1826.....	30.....	All
1827.....	97.....	2–4
1827.....	293.....	All

Laws of	Chapter	Section
1828.....	21.....	1, ¶¶ 227, 267, 282, 411, 418, 442, 500, 524 (2d meet.)
1829.....	287.....	2–9
1829.....	376.....	5
1830.....	170.....	All
1830.....	219.....	All
1830.....	240.....	16, pt. affecting R. S., Pt. 1, Ch. 15, Tit. 2, Art. 1, § 8
1830.....	284.....	2
1830.....	320.....	5–7
1831.....	44.....	All
1831.....	142.....	All
1831.....	206.....	All
1832.....	223.....	All
1832.....	299.....	All
1832.....	317.....	All
1833.....	19.....	All
1833.....	109.....	All
1834.....	140.....	All
1834.....	241.....	All
1835.....	34.....	All
1835.....	80.....	All
1835.....	123.....	All
1835.....	138.....	1
1835.....	308.....	All
1836.....	142.....	All
1836.....	226.....	1–3
1836.....	228.....	2–4
1836.....	399.....	4
1836.....	511.....	3
1837.....	200.....	All
1837.....	241.....	All
1837.....	298.....	All
1838.....	244.....	All
1839.....	177.....	All
1839.....	200.....	All
1839.....	226.....	All
1839.....	315.....	1, 2
1839.....	330.....	All
1840.....	174.....	2
1840.....	366.....	All

Laws of	Chapter	Section
1840.....	381.....	All
1841.....	163.....	All
1841.....	260.....	All
1842.....	142.....	All
1842.....	150.....	4
1842.....	273.....	All
1843.....	85.....	All
1843.....	133.....	All
1844.....	234.....	All
1844.....	254.....	All
1844.....	255.....	All
1844.....	261.....	All
1844.....	311.....	All
1844.....	320.....	50, pt. repealing L. 1842, Ch. 150
1845.....	14.....	2
1845.....	85.....	All
1845.....	179.....	All
1846.....	45.....	All
1846.....	66.....	All
1846.....	132.....	All
1846.....	186.....	All
1846.....	323.....	All
1847.....	50.....	All
1847.....	172.....	All
1847.....	190.....	All
1847.....	208.....	3
1847.....	211.....	All
1847.....	212.....	All
1847.....	273.....	All
1847.....	358.....	All
1847.....	361.....	All
1847.....	388.....	All
1847.....	443.....	All
1847.....	480.....	All
1847.....	485.....	All
1848.....	262.....	2–4
1848.....	318.....	All
1849.....	140.....	All
1849.....	175.....	All
1849.....	266.....	All

Laws of	Chapter	Section
1849.....	300.....	All
1849.....	382.....	1–12, 14–16
1849.....	388.....	All
1849.....	404.....	All
1850.....	7.....	All
1850.....	51.....	1
1850.....	89.....	All
1850.....	184.....	All
1850.....	261.....	All
1850.....	360.....	All
1850.....	378.....	All
1851.....	151.....	All
1851.....	425.....	All
1851.....	449.....	All
1851.....	500.....	All
1851.....	544.....	All
1852.....	97.....	All
1852.....	333.....	2–4
1852.....	366.....	All
1853.....	78.....	All
1853.....	115.....	All
1853.....	184.....	All
1853.....	185.....	All
1853.....	402.....	All
1853.....	433.....	All
1853.....	491.....	All
1854.....	80.....	All
1854.....	97.....	All
1854.....	167.....	All
1854.....	228.....	All
1854.....	272.....	1–3
1855.....	18.....	All
1855.....	50.....	All
1855.....	91.....	All
1855.....	178.....	All
1855.....	410.....	All
1855.....	471.....	1–3
1855.....	539.....	1 pt. relating to indigent blind
1856.....	51.....	All
1856.....	71.....	All

Laws of	Chapter	Section
1856.....	168.....	All
1856.....	179.....	All
1856.....	180.....	All
1856.....	186.....	All
1857.....	51.....	3, 4
1857.....	527.....	All
1858.....	151.....	All
1858.....	290.....	All
1859.....	230.....	All
1859.....	278.....	All
1859.....	395.....	All
1859.....	426.....	All
1860.....	314.....	All
1860.....	402.....	All
1860.....	456.....	All
1862.....	351.....	All
1862.....	384.....	All
1862.....	450.....	All
1863.....	325.....	All
1863.....	378.....	All
1863.....	401.....	All
1863.....	418.....	All
1863.....	463.....	All
1864.....	386.....	All
1864.....	555.....	All
1864.....	556.....	All
1864.....	583.....	All
1865.....	445.....	All
1865.....	585.....	All
1865.....	587.....	All
1865.....	647.....	All
1865.....	722.....	All
1866.....	78.....	All
1866.....	466.....	All
1866.....	520.....	All
1866.....	708.....	All
1866.....	800.....	All
1866.....	882.....	All
1867.....	84.....	All
1867.....	406.....	All

Laws of	Chapter	Section
1867.....	583.....	All
1867.....	725.....	All
1867.....	744.....	All
1867.....	763.....	All
1867.....	819.....	All
1869.....	18.....	All
1870.....	60.....	All
1870.....	166.....	All
1870.....	180.....	All
1870.....	492.....	2, commencing "The local boards" and ending "the respective schools"
1870.....	557.....	All
1870.....	565.....	All
1871.....	166.....	All
1871.....	329.....	All
1871.....	359.....	All
1871.....	548.....	All
1871.....	711.....	All
1871.....	746.....	All
1871.....	747.....	All
1872.....	392.....	All
1872.....	616.....	All
1872.....	654.....	All
1872.....	670.....	All
1873.....	463.....	All
1873.....	642.....	4–11
1874.....	45.....	All
1874.....	253.....	All
1874.....	421.....	All
1874.....	514.....	All
1875.....	176.....	All
1875.....	213.....	All
1875.....	322.....	All
1875.....	372.....	All
1875.....	567.....	All
1876.....	50.....	All
1876.....	132.....	All
1876.....	318.....	All
1876.....	372.....	All
1876.....	374.....	All

Laws of	Chapter	Section
1877.....	33.....	All
1877.....	94.....	All
1877.....	161.....	All
1877.....	163.....	All
1877.....	219.....	All
1877.....	413.....	All
1877.....	425.....	1–6
1878.....	173.....	All
1878.....	174.....	All
1878.....	248.....	All
1879.....	134.....	All
1879.....	264.....	All
1879.....	289.....	All
1879.....	396.....	All
1879.....	405.....	All
1880.....	9.....	All
1880.....	27.....	All
1880.....	210.....	All
1880.....	348.....	All
1880.....	355.....	All
1880.....	400.....	3
1880.....	455.....	All
1880.....	514.....	All
1880.....	527.....	All
1880.....	549.....	1, so far as amendatory of L. 1879, Ch. 272
1881.....	120.....	All
1881.....	223.....	All
1881.....	281.....	All
1881.....	377.....	All
1881.....	492.....	All
1881.....	528.....	All
1881.....	632.....	All
1881.....	675.....	All
1882.....	51.....	All
1882.....	115.....	All
1882.....	116.....	All
1882.....	147.....	All
1882.....	318.....	All
1882.....	319.....	All
1882.....	333.....	All

Laws of	Chapter	Section
1882.....	381.....	All
1883.....	75.....	All
1883.....	172.....	All
1883.....	250.....	All
1883.....	270.....	All
1883.....	275.....	All
1883.....	294.....	All
1883.....	328.....	All
1883.....	355.....	2–4
1883.....	413.....	All
1883.....	414.....	All
1883.....	423.....	All
1884.....	30.....	All
1884.....	49.....	All
1884.....	89.....	All
1884.....	179.....	All
1884.....	248.....	All
1884.....	413.....	All
1884.....	427.....	All
1885.....	58.....	All
1885.....	146.....	1
1885.....	340.....	1–11
1885.....	533.....	All
1886.....	121.....	All
1886.....	199.....	All
1886.....	292.....	All
1886.....	413.....	1, beginning "and it shall be the duty of" and ending "of the state"
1886.....	428.....	All
1886.....	493.....	All
1886.....	591.....	All
1886.....	595.....	All
1886.....	614.....	All
1886.....	615.....	All
1886.....	655.....	All
1887.....	14.....	All
1887.....	291.....	All
1887.....	318.....	All
1887.....	333.....	All
1887.....	334.....	All

Laws of	Chapter	Section
1887.....	335.....	All
1887.....	538.....	All
1887.....	540.....	All
1887.....	592.....	All
1887.....	602.....	All
1887.....	652.....	All
1887.....	672.....	All
1887.....	675.....	All
1887.....	709.....	All
1888.....	27.....	All
1888.....	196.....	All
1888.....	209.....	All
1888.....	331.....	All
1888.....	334.....	All
1888.....	337.....	All
1888.....	444.....	All
1888.....	533.....	All
1889.....	25.....	All
1889.....	77.....	1
1889.....	90.....	All
1889.....	137.....	All
1889.....	139.....	All
1889.....	142.....	All
1889.....	245.....	All
1889.....	328.....	All
1889.....	333.....	All
1889.....	517.....	All
1889.....	529.....	All
1890.....	73.....	All
1890.....	74.....	All
1890.....	170.....	All
1890.....	175.....	All
1890.....	197.....	All
1890.....	352.....	All
1890.....	431.....	All
1890.....	469.....	All
1890.....	524.....	All
1890.....	526.....	All
1890.....	534.....	All
1890.....	548.....	All

Laws of	Chapter	Section
1891.....	303.....	All
1891.....	329.....	All
1891.....	377.....	All
1892.....	36.....	All
1892.....	152.....	All
1892.....	214.....	All
1892.....	280.....	All
1892.....	352.....	All
1892.....	378.....	All
1892.....	573.....	All
1893.....	6.....	All
1893.....	58.....	All
1893.....	63.....	All
1893.....	484.....	All
1893.....	485.....	All
1893.....	488.....	All
1893.....	500.....	All
1893.....	636.....	All
1893.....	706.....	All
1894.....	127.....	All
1894.....	229.....	All
1894.....	443.....	All
1894.....	488.....	All
1894.....	556.....	All
1894.....	671.....	All
1895.....	87.....	All
1895.....	222.....	All
1895.....	223.....	All
1895.....	231.....	All
1895.....	232.....	All
1895.....	273.....	All
1895.....	274.....	All
1895.....	337.....	All
1895.....	341.....	2
1895.....	362.....	1, 2
1895.....	546.....	All
1895.....	550.....	All
1895.....	553.....	10
1895.....	563.....	All
1895.....	577.....	All
1895.....	630.....	All

Laws of	Chapter	Section
1895.....	767.....	All
1895.....	768.....	All
1895.....	769.....	All
1895.....	853.....	All
1895.....	859.....	All, except pt. amending L. 1892, Ch. 378, § 19, last two sentences
1895.....	988.....	All
1895.....	1031.....	All
1895.....	1041.....	All
1896.....	71.....	All
1896.....	156.....	All
1896.....	165.....	All
1896.....	177.....	All
1896.....	196.....	All
1896.....	238.....	All
1896.....	264.....	All
1896.....	434.....	All
1896.....	467.....	All
1896.....	493.....	All
1896.....	575.....	All
1896.....	586.....	All
1896.....	606.....	All
1896.....	646.....	All
1896.....	901.....	All
1897.....	97.....	All
1897.....	185.....	All
1897.....	195.....	All
1897.....	224.....	All
1897.....	293.....	All
1897.....	294.....	All
1897.....	466.....	All
1897.....	482.....	All
1897.....	495.....	All
1897.....	512.....	All
1897.....	689.....	All
1898.....	122.....	All
1898.....	223.....	All
1898.....	481.....	All
1898.....	649.....	All

Laws of	Chapter	Section
1899.....	440.....	All
1899.....	489.....	All
1899.....	540.....	All
1900.....	22.....	All
1900.....	258.....	All
1900.....	301.....	All
1900.....	481.....	All
1900.....	490.....	3
1900.....	492.....	All
1901.....	85.....	1
1901.....	201.....	All
1901.....	343.....	All
1901.....	480.....	All
1901.....	492.....	All
1901.....	498.....	All
1901.....	592.....	All
1901.....	644.....	1, part beginning "All persons" and ending "proper regulations"
1902.....	16.....	All
1902.....	32.....	All
1902.....	185.....	All
1902.....	316.....	All
1902.....	325.....	All
1902.....	393.....	All
1903.....	62.....	All
1903.....	112.....	All
1903.....	125.....	All
1903.....	175.....	All
1903.....	223.....	All
1903.....	233.....	All
1903.....	265.....	All
1903.....	289.....	All
1903.....	459.....	All
1903.....	463.....	All
1903.....	489.....	All
1903.....	576.....	All
1904.....	37.....	All
1904.....	40.....	All

Laws of	Chapter	Section
1904.....	166.....	All
1904.....	254.....	All
1904.....	281.....	All
1904.....	305.....	All
1904.....	322.....	All
1904.....	390.....	All
1904.....	424.....	All
1904.....	427.....	All
1904.....	677.....	All
1905.....	97.....	All
1905.....	119.....	All
1905.....	154.....	All
1905.....	161.....	All
1905.....	252.....	All
1905.....	258.....	All
1905.....	280.....	All
1905.....	311.....	All
1905.....	562.....	All
1905.....	563.....	All
1906.....	1.....	All
1906.....	58.....	All
1906.....	64.....	All
1906.....	150.....	All
1906.....	200.....	All
1906.....	218.....	All
1906.....	682.....	3, 4
1906.....	698.....	All
1907.....	103.....	All
1907.....	184.....	All
1907.....	186.....	All
1907.....	496.....	4
1907.....	585.....	All
1907.....	606.....	All
1907.....	608.....	All
1907.....	609.....	All
1908.....	79.....	All
1908.....	200.....	3
1908.....	201.....	2–4, 7
1908.....	202.....	All
1908.....	249.....	All

Laws of	Chapter	Section
1908.....	263.....	1–5; 6, first sentence; 7
1908.....	304.....	All
1908.....	365.....	All
1908.....	476.....	All
1908.....	482.....	All
1908.....	499.....	All
1909.....	1.....	All
1909.....	141.....	All
1909.....	252.....	All
1909.....	263.....	All
1909.....	404.....	All
1909.....	406.....	All
1909.....	409.....	All
1909.....	415.....	All

TABLE SHOWING DISPOSITION OF SECTIONS OF EDUCATION LAW (L. 1909, Ch. 21) IN AMENDATORY ACT OF 1910 (Ch. 140)

Section of act of 1909	Section of act of 1910
1.....	1
2.....	2
20, 21	120, 121
22.....	127
23.....	123
24.....	124
25.....	125
26.....	128, 133
27.....	129
28.....	130
29.....	131
30.....	132
31.....	134
32.....	135
33.....	136
34.....	137
35.....	138
36.....	139
37.....	140
38.....	141
39.....	142
40.....	144
41.....	143
42.....	145
43.....	146
44.....	147
45.....	148
46.....	149
47.....	150
48.....	151
49.....	152
60.....	170
61.....	171
62.....	172
80.....	190
81.....	191
82.....	192
83.....	193
84.....	194
85.....	196
86.....	197
87.....	195
88.....	198
89.....	199
90.....	200
91.....	201
92.....	202
93.....	203
94.....	204
95.....	205
96.....	206
97.....	207
110.....	450
111.....	451, 452
112.....	453
113.....	454
114.....	455
115.....	456
116.....	457
117.....	458
118.....	459
119.....	460
120.....	461

Section of act of 1909	Section of act of 1910
121.....	462
122.....	463
123.....	464
124.....	465
125.....	466
126.....	467
140.....	222
141.....	221
142.....	224
143.....	225
144.....	226
145.....	227
146.....	228
147.....	229
148.....	230
149.....	232
150.....	233
151.....	234
152.....	235
170.....	250
171.....	251
172.....	252
173.....	253
174.....	254
175.....	255
176.....	256
177.....	257
190.....	270
191.....	271
192.....	272
193.....	273
194.....	274
195.....	275, subds. 1–3, 5–11, 13; § 284
196.....	275, subds. 14–19
197.....	275, subd. 17
198.....	276
199.....	277
200.....	278
201.....	279
202.....	280
203.....	281
204.....	282
205.....	283
220.....	300
221.....	301
222.....	302
223.....	303
224.....	305
225.....	306
226.....	307
227.....	308
228.....	309
229.....	310
230.....	312
231.....	313
232.....	314
233.....	315
234.....	316
235.....	317
236.....	318
237.....	319
238.....	320
239.....	Repealed (See § 97.)
240.....	310, subd. 20
241.....	321
242.....	323
243.....	324
244.....	325
245.....	326
246.....	Repealed

Section of act of 1909	Section of act of 1910	Section of act of 1909	Section of act of 1910
247.....	327	340.....	94, subd. 10
248.....	328	341.....	97–98
260.....	340	360.....	880
261.....	341	361.....	881
280.....	360	362.....	882
281.....	361	380.....	410
282.....	362	381.....	411
283.....	363	382.....	412
284.....	364	383.....	413
285.....	365	384.....	414
300.....	380	385.....	415
301.....	381	386.....	440
302.....	382	387.....	440
303.....	383	387-a....	440
304.....	384	388.....	416
305.....	385	389.....	417
306.....	386	390.....	418
307.....	387	391.....	419
308.....	388	392.....	420
309.....	389	393.....	421
310.....	390	394.....	422
311.....	391	395.....	423
312.....	392	396.....	424
313.....	393	397.....	425
314.....	394	398.....	426
315.....	395	399.....	427
330.....	90–93	400.....	428
331.....	94	401.....	429
332.....	25	402.....	430
333.....	Repealed	403.....	431
334.....	Repealed	404.....	432
335.....	26	405.....	433
336.....	94, subd. 7	406.....	434
337.....	94, subd. 8	407.....	435
338.....	95	408.....	436
339.....	94, subd. 9	409.....	437

Section of act of 1909	Section of act of 1910
410.....	438
411.....	439
430.....	480
450.....	490
451.....	491
452.....	492
453.....	493
454.....	494
455.....	495
456.....	496
457.....	497
458.....	498
459.....	499
460.....	500
461.....	501
462.....	502
480.....	520
481.....	521
482.....	522
483.....	523
484.....	524
485.....	525
486.....	526
487.....	527
488.....	528
500.....	850
501.....	851
502.....	852
503.....	853
504.....	854
505.....	855
506.....	856
507.....	857
508.....	858
509.....	859
510.....	860
511.....	861
512.....	862
530.....	621, 622, 623
531.....	624, 625
532.....	626, 627
533.....	628
534.....	629, 630, 631
535.....	632
536.....	633, 634
537.....	635
538.....	636
550.....	550
551.....	551
552.....	553, 554
553.....	555
554.....	556
555.....	557
556.....	558
557.....	559
558.....	560
559.....	Repealed
560.....	Repealed
561.....	Repealed
562.....	561
563.....	562
564.....	563
565.....	564
566.....	565
567.....	566
568.....	567
580.....	670
581.....	671
582.....	672
583.....	673
600.....	580–585
601.....	586

Section of act of 1909	Section of act of 1910	Section of act of 1909	Section of act of 1910
602.....	Repealed	703.....	713
620.....	770	720.....	730
621.....	771	721.....	731
622.....	454	722.....	732
623.....	772, 774	723.....	733
624.....	Repealed	740.....	750
625.....	773	741.....	751
626.....	775	742.....	752
640.....	790	743.....	Repealed
641.....	791	760.....	690
642.....	792	761.....	691
643.....	Repealed	780.....	94, subd. 11
644.....	793	781.....	94, subd. 11
645.....	794	800.....	Repealed
660.....	810	801.....	Repealed
661.....	811	802.....	Repealed
662.....	812, 813, 814	820.....	600, 601
663.....	815	821.....	602
664.....	816, 817	822.....	603
665.....	818	823.....	604, 605
666.....	819	824.....	606
667.....	820	840.....	Repealed
668.....	821	860.....	900
669.....	822	861.....	901
670.....	823	862.....	902
671.....	824	880.....	940
672.....	825	881.....	941
673.....	826	882.....	942
674.....	827	883.....	943
675.....	828	900.....	Repealed
676.....	829	901.....	945
677.....	830	902.....	946, 947
678.....	831	903.....	948
679.....	832, 833	904.....	949
700.....	710	905.....	950
701.....	711	906.....	951
702.....	712	907.....	952

Section of act of 1909	Section of act of 1910
908.....	953
909.....	954
920.....	970
921.....	971
922.....	972
923.....	973
924.....	974
925.....	975
926.....	976
927.....	977
928.....	978
929.....	979
930.....	980
940.....	990
941.....	991
942.....	992
943.....	993
944.....	994
945.....	995
946.....	996
947.....	997
948.....	998
949.....	999
950.....	1000
951.....	1001
952.....	1002
953.....	1003
954.....	1004
955.....	1005
956.....	1006
957.....	1007
958.....	1008
959.....	1009
960.....	1010
961.....	1011
980.....	920
981.....	921
982.....	922
1000.....	650
1001.....	651
1002.....	652
1003.....	653
1004.....	654
1020.....	1110
1021.....	1111
1022.....	1112
1023.....	1113
1024.....	1114
1025.....	1115
1026.....	1116
1027.....	1117
1028.....	1118
1029.....	1119
1030.....	1120
1031.....	1121
1032.....	1122
1033.....	1123
1034.....	1124
1035.....	1125
1036.....	1126
1037.....	1127
1038.....	1128
1039.....	1129
1040.....	1130
1041.....	1131
1042.....	1132
1043.....	1133
1044.....	1134
1045.....	1135
1046.....	1136
1047.....	1137
1048.....	1138
1049.....	1139
1050.....	1140

Section of act of 1909	Section of act of 1910
1051.....	1141
1052.....	1160
1053.....	1161
1054.....	1162
1055.....	1163
1056.....	1164
1057.....	1165
1058.....	1166
1059.....	1167
1060.....	1168
1061.....	1169
1062.....	1170
1063.....	1171
1064.....	1172
1065.....	1173
1066.....	1174
1067.....	1175
1068.....	1176
1069.....	1177
1070.....	1178
1071.....	1179
1080.....	40
1081.....	41
1082.....	42
1083.....	43
1084.....	44
1085.....	45
1086.....	46
1087.....	47
1088.....	48
1089.....	49
1090.....	52
1091.....	53
1092.....	54
1093.....	55
1094.....	56
1095.....	57
1096.....	58
1097.....	59
1098.....	60
1099.....	61
1100.....	62
1101.....	63
1102.....	64
1103.....	65
1104.....	66, 67
1105.....	68
1106.....	69
1120.....	1030
1121.....	1031
1122.....	1032
1123.....	1033
1124.....	1034
1125.....	1035
1126.....	1036
1127.....	1037
1128.....	1038
1129.....	1039
1140.....	1050
1141.....	1051
1142.....	1052
1160.....	1070
1161.....	1071
1162.....	1072
1180.....	1090
1181.....	1091
1182.....	1092
1183.....	1093
2000.....	1190
2001.....	1191
2002.....	1192

APPENDIX A

OTHER LAWS RELATING TO SCHOOLS

I. Constitutional provisions relating to education.
II. Taxation.
    1. Exemptions.
    1-a. Preparation of assessment roll.
    2. Taxes on state lands.
    3. Taxation of banks, banking associations and individual bankers.
    4. Collection of taxes.
    5. Apportioning valuation of railroads, telegraph, telephone and pipe line companies between school districts.
    6. Taxation in Saint Lawrence county.
III. Vaccination of school children.
IV. Cadavers for medical colleges.
V. Teachers to report tuberculosis.
VI. Public holidays.
VII. Actions by school trustees.
VIII. Penal provisions relating to schools and school officers.
IX. Employment of children of school age.
    1. Employment in factories.
    2. Employment in mercantile establishments.
    3. Employment in street trades.
X. Financial provisions.
XI. Fees of supervisor.
XII. Liquors sold near school-houses.
XIII. Savings banks in schools.
XIV. Legalizing school bonds; rate of interest.
XV. Agricultural education and country life advancement.
XVI. Saint Lawrence county council of education.
XVII. Nautical school.
XVIII. Commission for blind.
XIX. County law; payment of certain expenses of district superintendents.
XX. Military and disciplinary training.

I. CONSTITUTIONAL PROVISIONS RELATING TO EDUCATION

Constitution, art. 9

§ 1. Common schools. The legislature shall provide for the maintenance and support of a system of free common schools, wherein all the children of this state may be educated.

§ 2. Higher education. The corporation created in the year 1784, under the name of the regents of the university of the state of New York, is hereby continued under the name of the university of the state of New York. It shall be governed and its corporate powers, which may be increased, modified or diminished by the legislature, shall be exercised, by not less than nine regents.

§ 3. Educational funds. The capital of the common school fund, the capital of the literature fund, and the capital of the United States deposit fund, shall be respectively preserved inviolate. The revenue of the said common school fund shall be applied to the support of common schools; the revenue of the said literature fund shall be applied to the support of academies; and the sum of $25,000 of the revenues of the United States deposit fund shall each year be appropriated to and made part of the capital of the said common school fund.

§ 4. Restrictions of subsidies. Neither the state nor any subdivision thereof, shall use its property or credit or any public money, or authorize or permit either to be used, directly or indirectly, in aid or maintenance, other than for examination or inspection, of any school or institution of learning wholly or in part under the control or direction of any religious denomination, or in which any denominational tenet or doctrine is taught.

II. TAXATION

Provisions of Tax Law (L. 1909, ch. 62) relative to school taxes

1. Exemptions

§ 4. Exemption from taxation. The following property shall be exempt from taxation:

1. Property of the United States.

2. Property of this state other than its wild or forest lands in the forest preserve.

* * * * * * * * * *

3. Property of a municipal corporation of the state held for a public use, including real property held or used for cemetery purposes, and all lots and plats therein conveyed by the municipal corporation as places for the burial of the dead, except the portion of municipal property not within the corporation.

5. All property exempt by law from execution, other than an exempt homestead. But real property purchased with the proceeds of a pension granted by the United States for military or naval services, and owned by the pensioner, or by his wife or widow, is subject to taxation as herein provided. Such property shall be assessed in the same manner as other real property in the tax districts. At the meeting of the assessors to hear the complaints concerning assessments, a verified application for the exemption of such real property from taxation may be presented to them by or on behalf of the owner thereof, which application must show the facts on which the exemption is claimed, including the amount of pension money used in or toward the purchase of such property. No such exemption on account of pension money shall be allowed in excess of five thousand dollars. If the assessors are satisfied that the applicant is entitled to the exemption, and that the amount of pension money exempt to the extent authorized by this subdivision used in the purchase of such property equals or exceeds the assessed valuation thereof, they shall enter the word "exempt" upon the assessment-roll opposite the description of such property. If the amount of such pension money exempt to the extent authorized by this subdivision used in the purchase of the property is less than the assessed valuation, they shall enter upon the assessment-roll the words "exempt to the extent of ..... dollars" (naming the amount), and thereupon such real property, to the extent of the exemption entered by the assessors, shall be exempt from state, county and general municipal taxation, but shall be taxable for local school purposes, and for the construction and maintenance of streets and highways. If no application for exemption be granted, the property shall be subject to taxation for all purposes. The entries above required shall be made and continued in each assessment of the property so long as it is exempt from taxation for any purpose. The provisions herein, relating to the assessment and exemption of property purchased with a pension, apply and shall be enforced in each municipal corporation authorized to levy taxes. [*Subdivision amended by L.* 1914, *ch.* 278, *in effect April* 11, 1914.]

Exemption from execution of real property purchased with pension. Section 1393 of the Code of Civil Procedure provides as follows: The pay and bounty of a non-commissioned officer, musician or private in the military or naval service of the United States or the State of New York; a land warrant, pension or other reward, heretofore or hereafter granted by the United States, or by a state, for military or naval services; a sword, horse, medal, emblem or device of any kind presented as a testimonial for services rendered in the military or naval service of the United States or a state; and the uniform, arms and equipments which were used by a person in that service, are also exempt from levy and sale, by virtue of an execution, and from seizure for nonpayment of taxes, or in any other legal proceeding; except that real property purchased with the proceeds of a pension granted by the United States for military or naval services, and owned by the pensioner, or by his wife or widow, is subject to seizure and sale for the collection of taxes or assessments lawfully levied thereon. [*As amended by L.* 1897, *ch.* 318.]

7. The real property of a corporation or association organized exclusively for the moral or mental improvement of men or women, or for religious, bible, tract, charitable, benevolent, missionary, hospital, infirmary, educational, scientific, literary, library, patriotic, historical or cemetery purposes, or for the enforcement of laws relating to children or animals, or for two or more such purposes, and used exclusively for carrying out thereupon one or more of such purposes, and the personal property of any such corporation shall be exempt from taxation. But no such corporation or association shall be entitled to any such exemption if any officer, member or employee thereof shall receive or may be lawfully entitled to receive any pecuniary profit from the operations thereof, except reasonable compensation for services in effecting one or more of such purposes, or as proper beneficiaries of its strictly charitable purposes; or if the organization thereof for any such avowed purposes be a guise or pretense for directly or indirectly making any other pecuniary profit for such corporation or association, or for any of its members or employees, or if it be not in good faith organized or conducted exclusively for one or more of such purposes. The real property of any such corporation or association entitled to such exemption held by it exclusively for one or more of such purposes and from which no rents, profits or income are derived, shall be so exempt, though not in actual use therefor by reason of the absence of suitable buildings or improvements thereon, if the construction of such buildings or improvements is in progress, or is in good faith contemplated by such corporation or association; or if such real property is held by such corporation or association upon condition that the title thereto shall revert in case any building not intended and suitable for one or more of such purposes shall be erected upon said premises or some part thereof. The real property of any such

corporation not so used exclusively for carrying out thereupon one or more of such purposes but leased or otherwise used for other purposes, shall not be exempt, but if a portion only of any lot or building of any such corporation or association is used exclusively for carrying out thereupon one or more of such purposes of any such corporation or association, then such lot or building shall be so exempt only to the extent of the value of the portion so used, and the remaining or other portion, to the extent of the value of such remaining or other portion, shall be subject to taxation; provided, however, that a lot or building owned and actually used for hospital purposes, by a free public hospital, depending for maintenance and support upon voluntary charity, shall not be taxed as to a portion thereof leased or otherwise used for the purposes of income, when such income is necessary for, and is actually applied to the maintenance and support of such hospital, and further provided that the real property of any fraternal corporation, association or body created to build and maintain a building or buildings for its meeting or meetings of the general assembly of its members, or subordinate bodies of such fraternity and for the accommodation of other fraternal bodies or associations, the entire net income of which real property is exclusively applied or to be used to build, furnish and maintain an asylum or asylums, a home or homes, a school or schools, for the free education or relief of the members of such fraternity, or for the relief, support and care of worthy and indigent members of the fraternity, their wives, widows or orphans, shall be exempt from taxation, and provided also that the real estate owned by a free public library, situate outside of a city, shall not be taxed as to that portion thereof leased or otherwise used for purposes of income, when such income is necessary for and actually applied to the maintenance and support of such library. Property held by any officer of a religious denomination shall be entitled to the same exemptions, subject to the same conditions and exceptions, as property held by a religious corporation. [*Amended by L.* 1916, *ch.* 411, *in effect May* 3, 1916.]

8. Real property of an incorporated association of present or former volunteer firemen actually and exclusively used and occupied by such corporation and not exceeding in value fifteen thousand dollars.

9. All dwelling-houses and lots of religious corporations while actually used by the officiating clergymen thereof, but the total

amount of such exemption to any one religious corporation shall not exceed two thousand dollars. Such exemption shall be in addition to that provided by subdivision seven of this section.

10. The real property of an agricultural society permanently used by it for exhibition grounds.

11. The real and personal property of a minister of the gospel or priest of any denomination who is engaged in the work assigned to him by the church or denomination to which he belongs, or who is disabled by impaired health from the performance of such duties, or over seventy years of age, and the property of the widow of such minister while she remains such, but the total amount of such exemption on account of both real and personal property, shall not exceed fifteen hundred dollars. [*Subdivision amended by L.* 1916, *ch.* 412, *in effect May* 3, 1916.]

21. Household furniture and personal effects to the value of one thousand dollars. [*Added by L.* 1912, *ch.* 267, *in effect April* 11, 1912.]

1-a. Preparation of Assessment Roll

§ 21. Preparation of assessment roll. 1. The assessors shall prepare an assessment roll or rolls, the form of which shall be prescribed or approved by the tax commission, so classified and arranged with respect to number of parts and number of columns in each part and with such entries and descriptions as shall be sufficient to identify each separately assessed parcel or portion of real estate with the approximate quantity of the square feet, square rods or acres contained in such parcel or portion or a statement of the linear dimensions thereof; each special franchise and the names of all persons and corporations taxable on personal property, capital stock or capital invested in business and bank stock. Assessments of real property, other than special franchises, shall be carried in a separate part of the roll from the assessments of personal property.

2. The form of assessment roll prescribed or approved by the Tax Commission shall provide for the indication thereon, in appropriate columns, of the name of the village, if in a village, the number of the school district and the name or number of any special district in which a special tax is levied for district purposes, in which each parcel or portion of real property and each special franchise described on such roll is situated or in which each person or corporation subject to taxation for personal prop-

erty in the tax district pursuant to this chapter, resides, carries on business, has its principal place of business or in which its operations are carried on or where the personal property is located as the case may be, and shall also provide for the entry of the assessments of real property, special franchises and personal property respectively, made pursuant to this chapter, and of the apportionments made pursuant to section 40 of this chapter.

3. In all cities there shall be an additional column in the assessment roll before the column in which is set down the value of real property, and in such additional column there shall be set down the value of the land exclusive of the buildings thereon. The total assessment only can be reviewed.

4. When a tax map has been approved by the Tax Commission, reference to the lot, block and section number or other identification numbers of any parcel on said map shall be deemed a sufficient description of said parcel on the assessment roll.

5. A separate part shall be provided for the listing of property that is entirely exempt from taxation. If the property is partially exempt it shall be listed with the taxable property.

6. Provision shall also be made thereon for the entry of the amount of tax levied for state, county, city, town, highway or special district purposes, against each parcel or portion of real property, each special franchise and each person or corporation for personal property, together with the date of payment thereof and such other items and details as may be required.

7. The tax commission shall adopt regulations and rules for the preparation and use of the assessment roll and shall advise with and instruct boards of assessors and other officers as to their duties in respect thereto. [*Amended by L.* 1916, *ch.* 323, *in effect April* 26, 1916.]

2. Taxes on State Lands

Tax Law, art. 2

§ 22. Assessment of state lands. All wild or forest land within the forest preserve and also all such lands owned by the state in the towns of Altona and Dannemora, county of Clinton, except the lands in the town of Dannemora upon which buildings and inclosures are erected and maintained by the state for the use of state institutions, together with said buildings thereon, shall be assessed and taxed at a like valuation and rate as similar lands of individuals within the counties where situated.

On or before August first in every year the assessors of the town within which the lands so belonging to the state are situated shall file in the office of the comptroller and of the conservation commission, a copy of the assessment-roll of the town, which in addition to the other matter now required by law, shall state and specify which and how much, if any, of the lands assessed are forest lands, and which and how much, if any, are lands belonging to the state; such statements and specifications to be verified by the oaths of a majority of the assessors. The comptroller shall thereupon and before the first day of September following, and after hearing the assessors and the conservation commission, if they or any of them so desire, correct or reduce any assessment of state lands which may be in his judgment an unfair proportion to the remaining assessment of land within the town, and shall in other respects approve the assessment and communicate such approval to the assessors. No such assessment of state lands shall be valid for any purpose until the amount of assessment is approved by the comptroller, and such approval attached to and deposited with the assessment-roll of the town, and therewith delivered by the assessors of the town to the supervisor thereof or other officer authorized to receive the same from the assessors. No tax for the erection of a school-house or opening of a road shall be imposed on the state lands unless such erection or opening shall have first been approved in writing by the conservation commission. [*Amended by L.* 1912, *ch.* 245, *in effect April* 10, 1912.]

Tax Law, art. 4

§ 80. Payment of taxes on state lands in forest preserve. The treasurer of the state, upon the certificate of the comptroller as to the correct amount of such tax, shall pay the tax levied upon state lands in the forest preserve, by crediting to the treasurer of the county in which such lands may be situated, such taxes, upon the amount payable by such county treasurer to the state for state tax. No fees shall be allowed by the comptroller to the county treasurer for such portion of the state tax as is so paid.

Lands in forest preserve. Section 34 of the forest, fish and game law provides as follows: The forest preserve shall include the lands owned or hereafter acquired by the state within the county of Clinton, except the towns of Altona and Dannemora, and the counties of Delaware, Essex, Franklin, Fulton, Hamilton, Herkimer, Lewis, Oneida, Saratoga, Saint Lawrence, Warren, Washington, Greene, Ulster and Sullivan, except

1. Lands within the limits of any village or city, and
2. Lands not wild lands acquired by the state on foreclosure of mortgages made to loan commissioners.

3. Taxation of Banks, Banking Associations and Individual Bankers

Tax Law, art. 1

§ 13. Stockholders of bank taxable on shares. The stockholders of every bank or banking association organized under the authority of this state, or of the United States, shall be assessed and taxed on the value of their shares of stock therein; said shares shall be included in the valuation of the personal property of such stockholders in the assessment of taxes in the tax district where such bank or banking association is located, and not elsewhere, whether the said stockholders reside in said tax district or not.

§ 14. Place of taxation of individual bank capital. Every individual banker shall be taxable upon the amount of capital invested in his banking business in the tax district where the place of such business is located and shall, for that purpose, be deemed a resident of such tax district.

Tax Law, art. 2

§ 23. Banks to make report. The chief fiscal officer of every bank or banking association organized under the authority of this state, or of the United States, shall, on or before the first day of June, in each year, furnish the assessors of the tax district in which its principal office is located a statement under oath of the condition of such bank or banking association on the first day of May next preceding, stating the amount of its authorized capital stock, the number of shares and the par value of the shares thereof, the amount of stock paid in, the amount of its surplus and of its undivided profits, if any, a complete list of the names and residences of its stockholders and the number of shares held by each. In case of neglect or refusal on the part of any bank or banking association to report as herein prescribed, or to make other or further reports as may be required, such bank or banking association shall forfeit the sum of one hundred dollars for each failure, and the additional sum of ten dollars for each day such failure continues, and an action therefor shall be prosecuted by the county treasurer of the county in which such bank or banking association so neglecting or refusing to report is located, and in the city of New York by the receiver of taxes thereof. There shall,

in addition to such report, be kept in the office of every such bank or banking association a full and correct list of the names and residences of all stockholders therein, and of the number of shares held by each, and such lists shall be subject to the inspection of the assessors at all times. The list of stockholders furnished by such bank or banking association shall be deemed to contain the names of the owners of such shares as are set opposite them, respectively for the purpose of assessment and taxation. [*Amended by L.* 1916, *ch.* 323, *in effect April* 26, 1916.]

§ 24. Bank shares, how assessed. In assessing the shares of stock of banks or banking associations organized under the authority of this State or the United States, the assessment and taxation shall not be at a greater rate than is made or assessed upon other moneyed capital in the hands of individual citizens of this State. The value of each share of stock of each bank and banking association, except such as are in liquidation, shall be ascertained and fixed by adding together the amount of the capital stock, surplus and undivided profits of such bank or banking association and by dividing the result by the number of outstanding shares of such bank or banking association. The value of each share of stock in each bank or banking association in liquidation shall be ascertained and fixed by dividing the actual assets of such bank or banking association by the number of outstanding shares of such bank or banking association. The owners of the stock of banks and banking associations shall be entitled to no deduction from the taxable value of their shares because of the personal indebtedness of such owners, or for any other reason whatsoever. This section is not to be construed as an exemption of the real estate of banks or banking associations from taxation. No shares of stock of such banks and banking associations, by whomsoever held, shall be exempt from the tax hereby imposed. [*Amended by L.* 1916, *ch.* 323, *in effect April* 26, 1916.]

§ 24-a. Notice of assessment to banks or banking associations; complaints. The assessors of every tax district shall, within ten days after they have completed the assessment of the stock of a bank or banking association, give written notice to such bank or banking association of such assessment of the share of its respective shareholders and no personal or other notice to shareholders of such assessment is required. Complaints in relation to the assessments of the shares of stock of banks and banking associations shall be heard and determined as provided in section 37 of this chapter.

§ 24-b. Bank shares; rate of tax. The rate of tax upon the shares of stock of banks and banking associations shall be one per centum upon the value thereof, as ascertained and fixed in the manner hereinbefore provided.

§ 24-c. Bank shares; exemption from other taxes. The said bank tax shall be in lieu of all other taxes whatsoever for state, county or local purposes upon the said shares of stock, and mortgages, judgments and other choses in action and personal property held or owned by banks or banking associations the value of which enters into the value of said shares of stock shall also be exempt from all other state, county or local taxation.

§ 24-d. Bank tax; levy by board of supervisors. The bank tax herein imposed shall be levied in the following manner: The board of supervisors of the several counties shall, on or before the fifteenth day of December in each year, ascertain from an inspection of the assessment rolls in their respective counties, the number of shares of stock of banks and banking associations in each town, city, village, school and other special districts, in their several counties, respectively, in which such shares of stock are taxable, the names of the banks issuing the same, respectively, and the assessed value of such shares, as ascertained in the manner provided in this article and entered upon the said assessment rolls, and shall forthwith mail to the president or cashier of each of said banks or banking associations a statement setting forth the amount of its capital stock, surplus and undivided profits, the number of outstanding shares thereof, the value of each share of stock taxable in said county, as ascertained in the manner herein provided, and the aggregate amount of tax to be collected and paid by such bank and banking association, under the provisions of this article. A certified copy of each of said statements shall be sent to the county treasurer. Provided, that, in the city of New York the statement of bank assessment and tax herein provided for shall be made by the board of tax commissioners of said city, on or before the fifteenth day of December in each year, and by them forthwith mailed to the respective banks and banking associations located in said city, and a certified copy thereof sent to the receiver of taxes of said city.

§ 24-e. Bank tax; warrant for collection. The board of supervisors shall issue their warrant or order to the county treasurer on or before the fifteenth day of December in each year, setting forth the number of shares of bank stock taxable in

each town, city, village, school and other tax district in said county, in which said shares of stock shall be taxable, the tax rate of each of said tax districts for said year, the proportion of the tax imposed by this chapter to which each of said tax districts is entitled, under the provisions hereof, and commanding him to collect the same, and to pay to the proper officer in each of such districts the proportion of such tax to which it is entitled under the provisions of this chapter. The said county treasurer shall have the same powers to enforce the collection and payment of said tax as are possessed by the officers now charged by law with the collection of taxes, and the said county treasurer shall be entitled to a commission of one per centum for collecting and paying out said moneys, which commission shall be deducted from the gross amount of said tax before the same is distributed. In issuing their warrants to the collectors of taxes, the board of supervisors shall omit therefrom assessments of and taxes upon the shares of stock of banks and banking associations.

§ 24-f. Bank tax; collection and payment. It shall be the duty of every bank or banking association to collect the tax due upon its shares of stock from the several owners of such shares, and to pay the same to the treasurer of the county wherein said bank or banking association is located, and in the city of New York to the receiver of taxes thereof on or before the thirty-first day of December in said year; and any bank or banking association failing to pay the said tax as herein provided shall be liable by way of penalty for the gross amount of the taxes due from all the owners of the shares of stock, and for an additional amount of one hundred dollars for every day of delay in the payment of said tax. Every bank or banking association so paying the taxes due upon the shares of its stock shall have a lien on the shares of stock, and on all property of the several share owners in its hands, or which may at any time come into its hands, for reimbursement of the taxes so paid on account of the several shareholders, with legal interest; and such lien may be enforced in any appropriate manner. The tax shall be paid by the respective banks in the city of New York to the said receiver of taxes on or before the thirty-first day of December in said year, and said tax shall be collected by the said receiver of taxes and shall be by him paid into the treasury of said city to the credit of the general fund thereof.

§ 24-g. Bank tax; distributed by boards of supervisors. The bank tax shall be distributed in the following man-

ner: The board of supervisors of the several counties shall ascertain the tax rate of each of the several town, city, village, school and other special districts in their counties, respectively, in which the shares of stock of banks and banking associations shall be taxable, which tax rates shall include the proportion of state and county taxes levied in such districts, respectively, for the year for which the tax is imposed, and the proportion of the tax on bank stock to which each of said districts shall be respectively entitled shall be ascertained by taking such proportion of the tax upon the shares of stock of banks and banking associations, taxable in such districts, respectively, under the provisions of this chapter as the tax rate of such tax district shall bear to the aggregate tax rates of all the tax districts in which said shares of stock shall be taxable. The clerks of the several cities, villages and school districts to which any portion of the tax on shares of stock of banks and banking associations is to be distributed under this section shall, in writing and under oath, annually report to the board of supervisors of their respective counties, during the first week of the annual session of such board, the tax rate of such city, village and school district for the year prior to the meeting of each such board. [*Sections* 24-*a*–24-*g added by L.* 1916, *ch.* 323, *in effect April* 26, 1916.]

§ 25. Individual banker, how assessed. Every individual banker doing business under the laws of this state must report before the fifteenth day of June under oath to the assessors of the tax district in which any of the capital invested in such banking business is taxable, the amount of capital invested in such banking business in such tax district on the first day of June preceding. Such capital shall be assessed as personal property to the banker in whose name such business is carried on.

§ 26. [*Repealed L.* 1916, *ch.* 323.]

4. Collection of Taxes

Tax Law, art. 4.

§ 70. Notice by collector; nonresidents in towns. A person or corporation who is the owner of, or liable to assessment for, an interest in real property situated and liable to assessment and taxation in a town in which he or it is not actually a resident may file with the town clerk of such town a notice stating his name, residence and post office address, or in case of a corporation, its principal office, a description of the

property sufficient to identify the same, and if situated in a village or school district, the name of each such village and number and designation of each such school district. Such notice shall be valid and continue in effect until cancelled by such person or corporation. The town clerk shall, within five days after the delivery of the warrants for the collection of taxes in such tax districts, furnish to the collectors of the town, and the collector of each village and school district in which such real property is situated, and such collectors shall within such time apply for, a transcript of all notices so filed, and each of such collectors shall within five days after the receipt of such transcripts mail to each person or corporation filing such notice, at the post office address stated therein, a statement of the amount of taxes due on said property and the times and places at which the same may be paid. In case said statement shall not be furnished as herein provided, such person or corporation shall not be liable for fees for collection in excess of one per centum. Upon the filing of such notice the town clerk shall be entitled to receive a fee of one dollar from the person or corporation offering such notice, which shall be in full for all services rendered hereunder. [*Amended by L.* 1916, *ch.* 323, *in effect April* 26, 1916.]

§ 70-a. Notice by collector; nonresidents in cities. A person or corporation who is the owner of, or liable to assessment for, an interest in real property situated and liable to assessment and taxation in any city of this state in which he or it is not actually a resident, may file with the city clerk of such city a notice stating his name, residence and post office address, or in case of a corporation, its principal office, and a description of the property sufficient to identify the same. Such notice shall be valid and continue in effect until cancelled by such person or corporation. The city clerk shall, within five days after the delivery of the warrants for the collection of any tax in any such tax district, furnish to the collector or to the person by whatever name of office charged with the collection of such taxes, and such collector, or other person, shall within such time apply for a transcript of all notices so filed and each such collector or other person, within five days after the receipt of such transcripts, shall mail to each person or corporation filing such notice, at the post office address stated therein, a statement of the amount of taxes due on such property and the times and places at which the same may be paid. In case said statement shall not be furnished

as herein provided, such person or corporation shall not be liable for fees for collection in excess of one per centum and in all cases where, by the provisions of any special law, no fee is charged where such tax is paid within thirty days or more after the delivery of such tax-roll and warrant and the publication of such notice, no fee shall be charged or collected by such collector for the collection of such tax within the time limited by such special law for the payment of such tax. Upon the filing of such notice, the city clerk shall be entitled to receive a fee of one dollar from the person or corporation offering such notice, which shall be in full for all services rendered herein. [*Amended by L.* 1916, *ch.* 323, *in effect April* 26, 1916.]

§ 70-b. Receipts for taxes. Every collector of taxes shall deliver or upon request forward by mail, a receipt wholly written with ink or partly printed and filled out with ink to each person paying a tax, specifying the date of such payment, the name of such person, the description of the property as shown on the assessment-roll, the name of the person to whom the same is assessed, the amount of such tax, and the date of delivery to him of the assessment-roll on account of which such tax was paid. For the purpose of giving such receipt, each collector shall have a book of blank receipts, so arranged that when a receipt is torn therefrom a corresponding copy or stub will remain. The tax commission shall prescribe the form of such receipts, stubs and books and they shall be furnished to the town collector by the board of supervisors, at the expense of the county; to the city collector by the common council, at the expense of the city; to the village collector by the village trustees at the expense of the village; to the school collector by the trustee or trustees at the expense of the school district. The expense of mailing receipts shall be a proper charge against the city, town, village or school district. At the time of giving such a receipt the collector shall make the same entries on the corresponding copy or stub as are required to be made on the receipt. Such book shall be subject to public inspection and shall be filed by the collector with his return, together with the assessment-roll in the office of the county treasurer, or such officer or board to which such collector makes his return. [*Amended by L.* 1916, *ch.* 323, *in effect April* 26, 1916.]

§ 71. Collection of taxes; sale of personal property. After the expiration of notice period thirty days, as provided in

section sixty-nine of this chapter, the collector shall call, at least once, on every person taxed upon such roll whose taxes are unpaid, at his usual place of residence, if he is an actual inhabitant of such tax district, and demand payment of the taxes charged to him on his property. If the owner of a parcel or portion of real property is a resident of the tax district in which such parcel or portion of real property is assessed, and his name is correctly entered on the assessment-roll, he shall be personally liable for the tax assessed against such parcel or portion of real property. If any person shall neglect or refuse to pay any tax imposed on him, the collector shall levy upon any personal property in the county belonging to or in the possession of any person who ought to pay the tax, and cause the same to be sold at public auction for the payment of such tax, and the fees and expenses of collection; and no claim of property to be made thereto by any other person shall be available to prevent such sale. Public notice of the time and place of sale of the property to be sold shall be given by posting the same in at least three public places in the tax district where the sale is to be made, at least six days previous thereto. If the proceeds of such sale shall be more than the amount of such tax, the fees of the collection and the expenses of the sale, the surplus shall be paid to the person against whom the tax was assessed. If any other person shall claim the surplus, on the ground that the property sold belonged to him, and such claim be admitted by the person for the payment of whose tax the sale was made, such surplus shall be paid to such other person. If such claim be contested by the person for the payment of whose tax the property was sold, such surplus shall be paid over by the collector to the supervisor of the town, who shall retain the same until the rights of the parties thereto shall be determined by due course of law, or by agreement in writing made by them and filed with the supervisor. The collector upon payment of the taxes shall state in the column of the tax-roll provided therefor, the date of such payment, and shall write his name after such date. [*Amended by L.* 1916, *ch.* 323, *in effect April* 26, 1916.]

§ 72. Collection of taxes assessed against stocks in banks and banking associations. Every bank or banking association shall retain any dividend until the delivery to the collector of the tax-roll and warrant of the current year, and within ten days after such delivery shall pay to such collector so much of such dividend as may be necessary to pay any unpaid

taxes assessed on the stock upon which such dividend is declared. In case the owner of such stock resides in a place other than where the bank or banking association is located, the same power may be exercised in collecting the tax so assessed as is given in case a person has removed from a tax district in which the assessment was made. The tax so assessed shall be and remain a lien on the shares of stock against which it is assessed till the payment of such tax, and if the stock is transferred it shall be subject to such lien. The collector or county treasurer may foreclose such lien in any court of record, and collect from the avails of the sale of the stock the tax assessed against the same. In addition thereto, the same remedy may be had for the collection of the tax on such shares as is now provided by law for enforcing payment of personal tax against residents.

5. Apportioning Valuation of Railroads, Telegraph, Telephone and Pipe Line Companies between School Districts

Tax Law, art. 2

§ 40. Assessors to apportion valuation of railroad, telegraph, telephone, pipe line, water or gas companies and of special franchises among school and special districts. The assessors of each town or city in which a railroad, telegraph, telephone, water pipe line, or gas company, including a company engaged in the business of supplying natural gas, is assessed by them or by the tax commission upon property lying in more than one school district or in one or more special districts in which a tax is levied for district purposes shall after the time fixed for hearing complaints and action thereon and prior to the final completion of the roll, pursuant to section thirty-nine of this chapter, apportion the assessed valuation of the property of each of such corporations so made by them or by the tax commission among such school and special districts. Such apportionments shall be entered by the assessors in the appropriate column of the assessment-roll and a certificate thereof signed by the assessors or a majority of them shall be filed with the town or city clerk within five days thereafter, and thereupon the valuations so apportioned shall become the valuations of such property in such districts for the purpose of taxation for the ensuing year. The town clerk shall furnish the trustees of school

districts a certified statement of the valuations apportioned to their respective districts.

In case of the failure of the assessors to act, a supervisor of the town or city shall make such apportionment on request of either the trustee of any school district or the officers of any special district or the corporation assessed. In case of any alteration in any school district affecting the valuation of such property, the officer making the same shall fix and determine the valuations in the districts affected for the current year. [*Amended by L.* 1912, *ch.* 271; *L.* 1913, *ch.* 556, *and L.* 1916, *ch.* 323, *in effect April* 26, 1916.]

6. Taxation in St Lawrence County

L. 1902, *ch.* 502

An act to provide for a uniform tax in the several towns of the county of St. Lawrence for the maintenance of common schools, and for the levy, collection, custody and disbursement thereof.

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. At any biennial town meeting held after the passage of this act, in the several towns of the county of St Lawrence, there may be submitted to the electors thereof, upon the written request of not less than twenty-five taxpayers entitled to vote thereon, such request having been filed with the town clerk at least thirty days before such biennial town meeting, the question, "shall a uniform system of taxation for the maintenance of the common schools be adopted in the town of ..." If a majority of the ballots cast shall be in the affirmative, further proceedings under this act shall be taken as hereinafter provided.

§ 2. On or before the day of the meeting of the town board for the audit of town accounts in each year, following the adoption of this act, by any town in the county of St. Lawrence, the trustee or trustees of the several common school districts in such town shall file with the town clerk, a statement of the sum of money necessary to maintain the common school in said common school district in the following form:

I (or we), the undersigned trustee (or trustees) of school district number ....., of the town of ....., state of New York, do hereby certify that the following sums are required for the maintenance of district school number ....., of the town

of ....., state of New York, for the fiscal year beginning September first, and ending June thirtieth, ...
For salary for teachers ..... $
For library funds .....
For repairs to school buildings.....
For miscellaneous expenses .....

Total ..... $

§ 3. It shall be the duty of the town clerk to deliver said certificates of the trustee or trustees of the several common school districts, to the town board of each town adopting this system on the day of the meeting of the town board for the audit of town accounts in each year, and the said town board shall include the gross sum called for by the several said certificates or so much thereof as may be necessary, in their annual town schedule of expenses, to be certified to the board of supervisors in the county in which the said town is situated in the same manner as other town expenses, and the said board of supervisors shall levy such amount in the next succeeding tax levy of the town, in the same manner as other town taxes are collected. The amounts thus collected in each town shall be paid by the town collector to the supervisor of the town and by him paid out on the order of the trustee or trustees of the several common school districts to the amount to which each district is entitled, in the same manner as the public school funds are now disbursed. The collector shall be paid the same rate per centum for collection as is now allowed by law for the collection of moneys, and for the same powers and to be subject to the same liabilities. The collector or supervisor shall give bonds to the amount now required by law in the collection, custody and disbursement of town funds.

§ 4. It shall be the duty of the town clerk to furnish the trustee or trustees of each common school district the forms in blank provided for in section two of this act. The cost thereof shall be a town charge.

§ 5. Any school district lying partly in the town which had adopted the system of taxation provided by this act, and partly in a town not having adopted said system, shall, for the purpose of this act, be considered as lying wholly in the town not having adopted said system, and shall so continue until such time as both towns have adopted said system of taxation. In case both

towns have adopted the system of taxation provided by this act, then the trustee or trustees in such school district shall certify to the town clerk in each town the sum required for the maintenance of such district school, and the said sum shall be divided between the towns in proportion to the assessed valuation of property, real and personal, in the different parts of said district in each town, and the amount so divided, shall be included in the schedule of town expenses in each town in the same manner as heretofore provided in this act.

§ 6. Under the provisions of this act town boards shall have the power by resolution with the consent in writing of the school commissioner of the district in which such town is situated, to annul or consolidate common school districts, and to provide for the transportation and maintenance of pupils in any common school district in such town.

§ 7. It shall be the duty of the supervisor to keep a separate account with each common school district, in any town adopting this act, in said town. He shall not pay for the account of any common school district, upon the order of the trustee or trustees, as provided in this act, a larger sum of money than the sum of money approved by the town board of said district, and levied and collected under the provisions of this act.

§ 8. Whenever any town shall have adopted the system of taxation for the maintenance of common schools provided for in this act, the board of education of any union free school therein, maintaining a department for secondary education, shall receive into such academic department, pupils sufficiently advanced to enter therein, without the payment of any tuition therefor. And such boards of education in such union free school districts are hereby empowered to establish the grades and prescribe such examinations as may be necessary to carry into effect the provisions of this act, and such grading and examination shall be uniform and regulate the admissions thereto of all pupils residing within such township.

§ 9. All acts or parts of acts which are inconsistent or in conflict with the provisions of this act are hereby repealed.

§ 10. This act shall take effect immediately.

III. VACCINATION OF SCHOOL CHILDREN

Provisions of Public Health Law (L. 1909, ch. 49) relative to vaccination

§ 310. Vaccination of school children. 1. A child or person not vaccinated shall not be admitted or received into a school in a city of the first or second class. The board, officers or other person having the charge, management or control of such school shall cause this provision of law to be enforced. The board of health or other board, commission or officers of such city having jurisdiction of the enforcement of the chapter therein shall provide, at the expense of the city for the vaccination of all pupils of such school whose parents or guardian do not provide vaccination for them.

2. Whenever smallpox exists in any other city or school district, or in the vicinity thereof, and the State Commissioner of Health shall certify in writing to the school authorities in charge of any school or schools in such city or district, it shall become the duty of such school authorities to exclude from such schools every child or person who does not furnish a certificate from a duly licensed physician to the effect that he has successfully vaccinated such child or person with vaccine virus in the usual manner or that such child or person shows evidence by scar of a successful previous vaccination. Whenever school authorities having the charge, management and control of schools in a district or city cause this provision of law to be enforced, the local board of health shall provide for the vaccination of all children whose parents or guardian do not provide such vaccination.

3. The expense incurred, when such vaccination is performed under the direction of the local health authorities, shall be a charge upon the municipality in which the child or person vaccinated resided, and shall be audited and paid in the same manner as other expenses incurred by such municipality are audited and paid. The local boards of health or other health authorities may, in their discretion, provide for the payment of additional compensation to health officers performing such vaccination.* [*Amended by L.* 1915, *ch.* 133, *in effect March* 30, 1915.]

§ 311. Vaccination; how made; reports. 1. No person shall perform vaccination for the prevention of smallpox who is not a regularly licensed physician under the laws of the state. Vaccination shall be preformed* in such manner only as shall be prescribed by the state commissioner of health.

* So in original.

2. No physician shall use vaccine virus for the prevention of smallpox unless such vaccine virus is produced under license issued by the secretary of the treasury of the United States and is accompanied by a certificate of approval by the state commissioner of health, and such vaccine virus shall then be used only within the period of time specified in such approval.

3. Every physician performing a vaccination shall within ten days make a report to the state commissioner of health upon a form furnished by such commissioner setting forth the full name and age of the person vaccinated and, if such person is a minor, the name and address of his parents, the date of vaccination, the date of previous voccination* if possible, the name of the maker of the vaccine virus and the lot or batch number of such vaccine virus. [*Amended by L.* 1915, *ch.* 133, *in effect March* 30, 1915.]

IV. CADAVERS FOR MEDICAL COLLEGES

§ 316. Cadavers. The persons having lawful control and management of any hospital, prison, asylum, morgue or other receptacle for corpses not interred, and every undertaker or other person having in his lawful possession any such corpse for keeping or burial may deliver and he is required to deliver, under the conditions specified in this section, every such corpse in their or his possession, charge, custody or control, not placed therein by relatives or friends in the usual manner for keeping or burial, to the medical colleges and universities of the state authorized by law to confer the degree of doctor of medicine and to all other colleges or schools incorporated under the laws of the state for the purpose of teaching medicine, anatomy or surgery to those on whom the degree of doctor of medicine has been conferred, and to any university of the state having a medical preparatory or medical post-graduate course of instruction. No corpse shall be so delivered or received if desired for interment by relatives or friends within forty-eight hours after death, or if known to have relatives or friends without the assent of such relatives or friends; or of a person who shall have expressed a desire in his last illness that his body be interred, but the same shall be buried in the usual manner. If the remains of any person so delivered or received shall be subsequently claimed by any relative or friend, they shall be given up to such relative or friend for interment. Any person claiming any corpse or remains for interment as provided in this section, may be required by the persons,

* So in original.

college, school or university or officer or agent thereof, in whose possession, charge or custody the same may be, to present an affidavit stating that he is such relative or friend, and the facts and circumstances upon which the claim that he is such relative or friend is based, the expense of which affidavit shall be paid by the persons requiring it. If such person shall refuse to make such affidavit, such corpse or remains shall not be delivered to him but he shall forfeit his claim and right to the same. Any such medical college, school or university desiring to avail itself of the provisions of this section shall notify such persons having the control and management of the institutions and places heretofore specified, and such undertakers and other persons having any such corpse in their possession, custody or control in the county where such college, school or university is situated, and in any other county in the state in which no medical college, school or university is situated, or in which no such medical college, school or university desires to avail itself of the provisions of this section, of such desire, and thereafter all such persons shall notify the proper officers of such college, school or university whenever there is any corpse in their possession, custody or control, which may be delivered to a medical college, school or university under this section, and shall deliver the same to such college, school or university. If two or more medical colleges, schools or universities are entitled to receive corpses under the provisions of this act and shall have given notice as aforesaid, they shall receive the same in proportion to the number of matriculated students in each college, school or university who are pursuing courses of anatomy and surgery at the time of making the apportionment. The professors and teachers in every college, school or university receiving any corpse under this section shall dispose of the remains thereof, after they have served the purposes of medical science and study, in accordance with the regulations of the local board of health where the college, school or university is situated. Every person neglecting to comply with or violating any provision of this section, shall forfeit to the local board of health where such non-compliance or violation occurred, the sum of twenty-five dollars for every such non-compliance or violation, to be sued for by the health officer of such place, and when recovered to be paid over, less the costs and expenses of the action, to such board for its use and benefit. [*Amended by L.* 1913, *ch.* 335, *in effect April* 19, 1913.]

V. TEACHERS TO REPORT TUBERCULOSIS

§ 320. Reports of tuberculosis by physicians and others. Tuberculosis is hereby declared to be an infectious and communicable disease, dangerous to the public health. It shall be the duty of every physician in the state of New York, to report by telephone or in person or in writing on a form to be furnished as hereinafter provided, the name and address, of every person known by said physician to have tuberculosis, to the health officer of the city, town or village in which said person resides or may be, within twenty-four hours after such fact comes to the knowledge of said physician. It shall also be the duty of the chief officer having charge for the time being of any hospital, dispensary, asylum or other similar private or public institution to report the name, age, sex, color, occupation, place where last employed if known and the previous address of every patient having tuberculosis who comes into his care or under his observation, within twenty-four hours thereafter to the health officer of the city, town or village in which said patient resided immediately previous to admission to said institution; except that if such residence be outside of the state of New York then such report shall be made to the state commissioner of health.

Any physician, nurse, employer, teacher, head of a family, landlord, or other person may report in writing the name and address of any person coming under his observation who appears to be suffering from tuberculosis to the health officer of the city, town or village in which such person is, and the health officer shall thereupon take such steps as may be prescribed by the sanitary code provided the person making such report signs his own name and address thereon.

Each registrar of vital statistics shall promptly report to the health officer the name and address of every person reported to him as having died from tuberculosis. The health officer shall ascertain whether such person has been previously reported as having tuberculosis by the physician signing the death certificate, and if it appears that such physician has not so reported such person, the health officer shall call the attention of such physician to the provisions of this section. In case of repeated violations of the provisions of this section by any physician the health officer shall report such repeated violations to the board of health or other local health authorities, who shall cause such steps to be

taken as may be necessary to enforce the penalty provided for such violation. [*Amended by L.* 1914, *ch.* 318 *and L.* 1916, *ch.* 370, *in effect May* 1, 1916.]

VI. PUBLIC HOLIDAYS

Provisions of General Construction Law (*L.* 1909, *ch.* 27)

§ 24. Holidays; half-holiday. The term holiday includes the following days in each year: the first day of January known as New Year's day; the twelfth day of February, known as Lincoln's birthday; the twenty-second day of February, known as Washington's birthday; the thirtieth day of May, known as Memorial day; the fourth day of July, known as Independence day; the first Monday of September, known as Labor day; the twelfth day of October, known as Columbus day, and the twenty-fifth day of December, known as Christmas day, and if either of such days is Sunday, the next day thereafter; each general election day and each day appointed by the president of the United States or by the governor of this state as a day of general thanksgiving, general fasting and prayer, or other general religious observances. The term half-holiday includes the period from noon to midnight of each Saturday which is not a holiday. [*As amended by L.* 1909, *ch.* 112.]

See Education Law, § 492, subd. 4, which provides that no school shall be in session on a legal holiday, except general election day, Lincoln's and Washington's birthdays.

Greater New York Charter (*L.* 1901, *ch.* 466)

§ 1162. Anniversary day as a holiday in the public schools of the borough of Brooklyn. The eighth day of June in the year nineteen hundred and five and thereafter the first Thursday in June in each year, except in those years when the first Thursday in June occurs in the same week with Memorial day, and in such years the second Thursday in June, known as Anniversary day, and celebrated in commemoration of the organization of Sunday schools, is hereby made and declared to be a holiday in all the public schools in the borough of Brooklyn, city of New York, and the board of education of such city is hereby authorized and directed to cause all the public schools in such borough to be closed on such day.

VII. ACTIONS BY SCHOOL TRUSTEES

Provisions of Code of Civil Procedure

§ 1926. Actions by certain specified officers. An action or special proceeding may be maintained, by the trustee or trustees of a school district; the overseer or overseers of the poor of a village, or city; the county superintendent or superintendents of the poor; or the supervisors of a county, upon a contract, lawfully made with those officers or their predecessors, in their official capacity; to enforce a liability created, or a duty enjoined, by law, upon those officers, or the body represented by them; to recover a penalty or a forfeiture, given to those officers, or the body represented by them; or to recover damages for an injury to the property or rights of those officers, or the body represented by them; although the cause of action accrued before the commencement of their term of office. [*As amended by L.* 1897, *ch.* 302.]

§ 1927. An action or special proceeding may be maintained against any of the officers specified in the last section, upon any cause of action, which accrues against them, or has accrued against their predecessors, or upon a contract made by their predecessors in their official capacity, and within the scope of their authority.

[*See also* §§ 1928, 1929 and 1930.]

Section nineteen hundred and thirty-one provides that an execution can be issued upon a judgment for a sum of money against the trustee or trustees of a school district, and such execution may be issued against and be collected out of the property of such officers, and the sum collected must be allowed to him on the settlement of his official accounts, except as otherwise specially prescribed by law.

NOTE. By section 432 of the education law, it is provided, "Whenever any sum of money payable by any person named in such tax-list, shall not be paid by such person, or collected by such warrant within the time therein limited, or the time limited by any renewal of such warrant; or in case the property assessed be real estate belonging to an incorporated company, and no goods or chattels can be found whereon to levy the tax, the trustees may sue for and recover the same in their name of office."

A. See subdivision 17, section 206 of the education law, relative to payment of judgments obtained in actions against trustees of districts for unpaid teachers' wages; also sections 858 and 859 of the education law, as to payment of costs and damages in actions or proceedings brought by or against trustees of districts.

VIII. PENAL PROVISIONS RELATING TO SCHOOLS AND SCHOOL OFFICERS

Penal Law (*L.* 1909, *ch.* 88)

§ 246. Use of force not unlawful in certain cases. To use or attempt, or offer to use, force or violence upon or toward the person of another is not unlawful in the following cases:

4. When committed by a parent or the authorized agent of any parent, or by any guardian, master, or teacher, in the exercise of a lawful authority to restrain or correct his child, ward, apprentice or scholar, and the force or violence used is reasonable in manner and moderate in degree.

§ 405. Unlawfully entering building. A person who, under circumstances or in a manner not amounting to a burglary, enters a building, or any part thereof, with intent to commit a felony or a larceny, or any malicious mischief, is guilty of a misdemeanor.

§ 889. Forgery in third degree. A person who, with intent to defraud or to conceal any larceny or misappropriation by any person of any money or property:

1. Alters, erases, obliterates, or destroys an account, book of accounts, record, or writing, belonging to, or appertaining to the business of, a corporation, association, public office or officer, partnership, or individual; or,

2. Makes a false entry in any such account or book of accounts; or,

3. Wilfully omits to make true entry of any material particular in any such account or book of accounts, made, written, or kept by him or under his direction,

Is guilty of forgery in the third degree.

§ 1470. Disturbing lawful meetings. A person, who, without authority of law, wilfully disturbs any assembly or meeting, not unlawful in its character, is guilty of a misdemeanor.

§ 1824. Attempting to prevent officers from performing duty. A person who attempts, by means of any threat or violence, to deter or prevent an executive officer from performing any duty imposed upon such officer by law, is guilty of a misdemeanor.

§ 1825. Resisting officer. A person who knowingly resists by the use of force or violence, any executive officer, in the performance of his duty, is guilty of a misdemeanor.

§ 1836. Officer refusing to surrender to successor. A person who, having been an executive or administrative officer, wrongfully refuses to surrender the official seal, or any books or papers appertaining to his office, upon the demand of his lawful successor, is guilty of a misdemeanor.

§ 1837. Administrative officers. The various provisions of the preceding sections of this article which relate to executive officers apply to administrative officers, in the same manner as if administrative and executive officers were both mentioned.

§ 1838. Injury to records and misappropriation by ministerial officers. A sheriff, coroner, clerk of a court, constable or other ministerial officer, and every deputy or subordinate of any ministerial officer, who:

1. Mutilates, destroys, conceals, erases, obliterates or falsifies any record or paper appertaining to his office; or,

2. Fraudulently appropriates to his own use or to the use of another person, or secretes with intent to appropriate to such use, any money, evidence of debt or other property intrusted to him in virtue of his office,

Is guilty of felony.

§ 1841. Provision as to neglect of duty. A public officer, or person holding a public trust or employment, upon whom any duty is enjoined by law, who wilfully neglects to perform the duty, is guilty of a misdemeanor. This and section eighteen hundred and forty do not apply to cases of official acts or omissions the prevention or punishment of which is otherwise specially provided by statute.

§ 1865. Misappropriation and falsification of accounts by public officers. A public officer, or deputy, or clerk of any such officer, and any other person receiving money on behalf of, or for account of the people of this state, or of any department of the government of this state, or of any bureau or fund created by law, and in which the people of this state are directly or indirectly interested, or for or on account of any city, county, village or town, who:

1. Appropriates to his own use, or to the use of any person not entitled thereto, without authority of law, any money so received by him as such officer, clerk or deputy, or otherwise; or,

2. Knowingly keeps any false account, or makes any false entry or erasure in any account of, or relating to, any money so received by him, or,

3. Fraudulently alters, falsifies, conceals, destroys or obliterates any such account; or,

4. Wilfully omits or refuses to pay over to the people of this state or their officer or agent authorized by law to receive the same, or to such city, village, county or town, or the proper officer or authority empowered to demand and receive the same, any money received by him as such officer, when it is his duty imposed by law to pay over, or account for, the same,

Is guilty of a felony.

§ 1866. Violations of law by public officers. An officer or other person mentioned in the last section who wilfully disobeys any provision of law regulating his official conduct, in cases other than those specified in that section is guilty of a misdemeanor, punishable by a fine not exceeding one thousand dollars, or imprisonment not exceeding two years, or both.

§ 1868. Officials not to be interested in sales, leases or contracts. A public officer or school officer who is authorized to sell or lease any property, or to make any contract in his official capacity, or to take part in making any such sale, lease or contract, who voluntarily becomes interested individually in such sale, lease or contract, directly or indirectly, except in cases where such sale, lease or contract, or payment under the same, is subject to audit or approval by the commissioner of education, is guilty of a misdemeanor.

§ 1871. School district trustee not to draw draft on supervisor in certain cases. A school district trustee who issues an order or draws a draft on a supervisor or collector for any money, unless there is at the time sufficient money in the hands of such supervisor or collector belonging to the district to meet such order or draft, is guilty of a misdemeanor.

§ 2050. Injury to public record. A person who, wilfully and unlawfully removes, mutilates, destroys, conceals, or obliterates a record, map, book, paper, document, or other thing, filed or deposited in a public office or with any public officer by authority of law, is punishable by imprisonment for not more than five years, or by a fine of not more than five hundred dollars, or by both.

§ 2321. Making false statement in reference to taxes. A person, who, in making any statement, oral or writ-

preceding subdivisi
papers mentioned i
not otherwise he sh
is an officer or age
him showing such
been produced be
missioner of hea
officer of the boa
evidence as suffic
such evidence sh
at the next mee

(c) Physicia
in case applic
tificate shall b
or custodian v
dence of age
tion, and if t
such officer
parent, guar
tificates. S
and date of
with such
the age of
than sixty
certificate
tained the
by such
material
the office
examina
board o
ing tha
their c
officer
of su
opini
exam
be c
chil

S
div

fourteen and sixteen years shall be so employed, permitted or suffered to work unless an employment certificate, issued as provided in this article, shall have been theretofore filed in the office of the employer at the place of employment of such child. Nothing herein contained shall prevent a person engaged in farming from permitting his children to do farm work for him upon his farm. Boys over the age of twelve years may be employed in gathering produce, for not more than six hours in any one day, subject to the requirements of chapter twenty-one of the laws of nineteen hundred and nine, entitled "An act relating to education, constituting chapter sixteen of the consolidated laws," and all acts amendatory thereof. [*Amended by L.* 1913, *ch.* 529, *in effect May* 15, 1913.]

§ 71. Employment certificate, how issued. Such certificate shall be issued by the commissioner of health or the executive officer of the board or department of health of the city, town or village where such child resides or is to be employed, or by such other officer thereof as may be designated by such board, department or commissioner for that purpose, upon the application of the parent, guardian or custodian of the child desiring such employment. Such officer shall not issue such certificate until he has received, examined, approved and filed the following papers duly executed, namely: The school record of such child properly filled out and signed as provided in this article; also, evidence of age showing that the child is fourteen years old or upwards, which shall consist of the evidence thereof provided in one of the following subdivisions of this section and which shall be required in the order herein designated as follows:

(a) Birth certificate; passport or baptismal certificate. A duly attested transcript of the birth certificate filed according to law with a registrar of vital statistics or other officer charged with the duty of recording births; or a passport; or a duly attested transcript of a certificate of baptism showing the date of birth of such child.

(b) Other documentary evidence. In case it shall appear to the satisfaction of the officer to whom application is made, as herein provided, for an employment certificate, that a child for whom such certificate is requested and who has presented the school record, is in fact over fourteen years of age, and that satisfactory documentary evidence of age can be produced, which does not fall within any of the provisions of the

preceding subdivisions of this section, and that none of the papers mentioned in said subdivisions can be produced, then and not otherwise he shall present to the board of health of which he is an officer or agent, for its action thereon, a statement signed by him showing such facts, together with such papers as may have been produced before him constituting such evidence. The commissioner of health, or when officially authorized, the issuing officer of the board or department of health may then accept such evidence as sufficient as to the age of such child, and a record of such evidence shall be fully entered on the minutes of the board at the next meeting thereof.

(c) Physicians' certificates. In cities of the first class only, in case application for the issuance of an employment certificate shall be made to such officer by a child's parent, guardian or custodian who alleges his inability to produce any of the evidence of age specified in the preceding subdivisions of this section, and if the child is apparently at least fourteen years of age, such officer may receive and file an application signed by the parent, guardian or custodian of such child for physicians' certificates. Such application shall contain the alleged age, place and date of birth, and present residence of such child, together with such further facts as may be of assistance in determining the age of such child. Such application shall be filed for not less than sixty days after date of such application for such physicians' certificates, for an examination to be made of the statements contained therein, and in case no facts appear within such period or by such examination tending to discredit or contradict any material statement of such application, then and not otherwise the officer may direct such child to appear thereafter for physical examination before two physicians officially designated by the board of health, and in case such physicians shall certify in writing that they have separately examined such child and that in their opinion such child is at least fourteen years of age such officer shall accept such certificates as sufficient proof of the age of such child for the purposes of this section. In case the opinions of such physicians do not concur, the child shall be examined by a third physician and the concurring opinions shall be conclusive for the purpose of this section as to the age of such child.

Such officer shall require the evidence of age specified in subdivision (a) in preference to that specified in any subsequent

subdivision and shall not accept the evidence of age permitted by any subsequent subdivision unless he shall receive and file in addition thereto an affidavit of the parent showing that no evidence of age specified in any preceding subdivision or subdivisions of this section can be produced. Such affidavit shall contain the age, place and date of birth, and present residence of such child, which affidavit must be taken before the officer issuing the employment certificate, who is hereby authorized and required to administer such oath and who shall not demand or receive a fee therefor.

Such employment certificate shall not be issued until such child further has personally appeared before and been examined by the officer issuing the certificate, and until such officer shall, after making such examination, sign and file in his office a statement that the child can read and write correctly simple sentences in the English language and that in his opinion the child is fourteen years of age or upwards and has reached the normal development of a child of its age, and is in sound health and is physically able to perform the work which it intends to do. Every such employment certificate shall be signed, in the presence of the officer issuing the same, by the child in whose name it is issued. In every case, before an employment certificate is issued, such physical fitness shall be determined by a medical officer of the department or board of health, who shall make a thorough physical examination of the child and record the result thereof on a blank to be furnished for the purpose by the industrial commission and shall set forth thereon such facts concerning the physical condition and history of the child as the industrial commission may require. In case the evidence of age, filed as in this section provided, shows such child to be fourteen years old but fails to show such child to be fifteen years old, no employment certificate shall be issued unless such child, in addition to complying with all the requirements of this section and producing the school record described in section 73, shall also present a certificate of graduation properly issued in the name of such child, from a public elementary school, or school equivalent thereto or parochial school, or a preacademic certificate issued by the regents, or a certificate of the completion of an elementary course issued by the educational department. [*Amended by L.* 1912, *ch.* 333, *and L.* 1916, *ch.* 465, *in effect February* 1, 1917.]

§ **72. Contents of certificate.** Such certificate shall state

preceding subdivisions of this section, and that none of the papers mentioned in said subdivisions can be produced, then and not otherwise he shall present to the board of health of which he is an officer or agent, for its action thereon, a statement signed by him showing such facts, together with such papers as may have been produced before him constituting such evidence. The commissioner of health, or when officially authorized, the issuing officer of the board or department of health may then accept such evidence as sufficient as to the age of such child, and a record of such evidence shall be fully entered on the minutes of the board at the next meeting thereof.

(c) Physicians' certificates. In cities of the first class only, in case application for the issuance of an employment certificate shall be made to such officer by a child's parent, guardian or custodian who alleges his inability to produce any of the evidence of age specified in the preceding subdivisions of this section, and if the child is apparently at least fourteen years of age, such officer may receive and file an application signed by the parent, guardian or custodian of such child for physicians' certificates. Such application shall contain the alleged age, place and date of birth, and present residence of such child, together with such further facts as may be of assistance in determining the age of such child. Such application shall be filed for not less than sixty days after date of such application for such physicians' certificates, for an examination to be made of the statements contained therein, and in case no facts appear within such period or by such examination tending to discredit or contradict any material statement of such application, then and not otherwise the officer may direct such child to appear thereafter for physical examination before two physicians officially designated by the board of health, and in case such physicians shall certify in writing that they have separately examined such child and that in their opinion such child is at least fourteen years of age such officer shall accept such certificates as sufficient proof of the age of such child for the purposes of this section. In case the opinions of such physicians do not concur, the child shall be examined by a third physician and the concurring opinions shall be conclusive for the purpose of this section as to the age of such child.

Such officer shall require the evidence of age specified in subdivision (a) in preference to that specified in any subsequent

subdivision and shall not accept the evidence of age permitted by any subsequent subdivision unless he shall receive and file in addition thereto an affidavit of the parent showing that no evidence of age specified in any preceding subdivision or subdivisions of this section can be produced. Such affidavit shall contain the age, place and date of birth, and present residence of such child, which affidavit must be taken before the officer issuing the employment certificate, who is hereby authorized and required to administer such oath and who shall not demand or receive a fee therefor.

Such employment certificate shall not be issued until such child further has personally appeared before and been examined by the officer issuing the certificate, and until such officer shall, after making such examination, sign and file in his office a statement that the child can read and write correctly simple sentences in the English language and that in his opinion the child is fourteen years of age or upwards and has reached the normal development of a child of its age, and is in sound health and is physically able to perform the work which it intends to do. Every such employment certificate shall be signed, in the presence of the officer issuing the same, by the child in whose name it is issued. In every case, before an employment certificate is issued, such physical fitness shall be determined by a medical officer of the department or board of health, who shall make a thorough physical examination of the child and record the result thereof on a blank to be furnished for the purpose by the industrial commission and shall set forth thereon such facts concerning the physical condition and history of the child as the industrial commission may require. In case the evidence of age, filed as in this section provided, shows such child to be fourteen years old but fails to show such child to be fifteen years old, no employment certificate shall be issued unless such child, in addition to complying with all the requirements of this section and producing the school record described in section 73, shall also present a certificate of graduation properly issued in the name of such child, from a public elementary school, or school equivalent thereto or parochial school, or a preacademic certificate issued by the regents, or a certificate of the completion of an elementary course issued by the educational department. [*Amended by L.* 1912, *ch.* 333, *and L.* 1916, *ch.* 465, *in effect February* 1, 1917.]

§ 72. Contents of certificate. Such certificate shall state

the date and place of birth of the child, and describe the color of the hair and eyes, the height and weight and any distinguishing facial marks of such child, and that the papers required by the preceding section have been duly examined, approved and filed and that the child named in such certificate has appeared before the officer signing the certificate and been examined.

§ 73. School record, what to contain. The school record required by this article shall be signed by the principal or chief executive officer of the school which such child has attended and shall be furnished, on demand, to a child entitled thereto or to the board, department or commissioner of health. It shall contain a statement certifying that the child has regularly attended the public schools or schools equivalent thereto, or parochial schools, for not less than one hundred and thirty days during the twelve months next preceding his fourteenth birthday, or during the twelve months next preceding his application for such school record and is able to read and write simple sentences in the English language, and has received during such period instruction in reading, spelling, writing, English grammar and geography and is familiar with the fundamental operations of arithmetic up to and including fractions and has completed the work prescribed for the first six years of the public elementary school or school equivalent thereto or parochial school from which such school record is issued. Such school record shall also give the date of birth and residence of the child as shown on the records of the school and the name of its parent or guardian or custodian. [*Amended by L.* 1913, *ch.* 144, *in effect October* 1, 1913.]

§ 75. Supervision over issuance of certificates. The board or department of health or health commissioner of a city, village or town, shall transmit, between the first and tenth day of each month, to the commissioner of labor, a list of the names of all children to whom certificates have been issued during the preceding month together with a duplicate of the record of every examination as to the physical fitness, including examinations resulting in rejection.

In cities of the first and second class all employment certificates and school records required under the provisions of this chapter shall be in such form as shall be approved by the commissioner of labor. In towns, villages or cities other than cities of the first or second class, the commissioner of labor shall prepare and furnish blank forms for such employment certificates and

school records. No school record or employment certificate required by this article, other than those approved or furnished by the commissioner of labor as above provided, shall be used. The commissioner of labor shall inquire into the administration and enforcement of the provisions of this article by all public officers charged with the duty of issuing employment certificates, and for that purpose the commissioner of labor shall have access to all papers and records required to be kept by all such officers. [*Amended by L.* 1912, *ch.* 333, *and by L.* 1913, *ch.* 144, *in effect October* 1, 1913.]

§ **76. Registry of children employed.** Each person owning or operating a factory and employing children therein shall keep or cause to be kept in the office of such factory, a register, in which shall be recorded the name, birthplace, age and place of residence of all children so employed under the age of sixteen years. Such register and the certificate filed in such office shall be produced for inspection upon the demand of the commissioner of labor. On termination of the employment of a child so registered, and whose certificate is so filed, such certificate shall be forthwith surrendered by the employer to the child or its parent or guardian or custodian. The commissioner of labor may make demand on an employer in whose factory a child apparently under the age of sixteen years is employed or permitted or suffered to work, and whose employment certificate is not then filed as required by this article, that such employer shall either furnish him, within ten days, evidence satisfactory to him that such child is in fact over sixteen years of age, or shall cease to employ or permit or suffer such child to work in such factory. The commissioner of labor may require from such employer the same evidence of age of such child as is required on the issuance of an employment certificate; and the employer furnishing such evidence shall not be required to furnish any further evidence of the age of the child. A notice embodying such demand may be served on such employer personally or may be sent by mail addressed to him at said factory, and if served by post shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the post. When the employer is a corporation such notice may be served either personally upon an officer of such corporation, or by sending it by post addressed to the office or the principal place of business of such corporation. The papers constituting such evidence of age furnished by the em-

ployer in response to such demand shall be filed with the commissioner of labor and a material false statement made in any such paper or affidavit by any person shall be a misdemeanor. In case such employer shall fail to produce and deliver to the commissioner of labor within ten days after such demand such evidence of age herein required by him, and shall thereafter continue to employ such child or permit or suffer such child to work in such factory, proof of the giving of such notice and of such failure to produce and file such evidence shall be prima facie evidence in any prosecution brought for a violation of this article that such child is under sixteen years of age and is unlawfully employed.

§ 76-a. Physical examination of children in factories; cancellation of employment certificates. 1. All children between fourteen and sixteen years of age employed in factories shall submit to a physical examination whenever required by a medical inspector of the state department of labor. The result of all such physical examinations shall be recorded on blanks furnished for that purpose by the commissioner of labor, and shall be kept on file in such office or offices of the department as the commissioner of labor may designate.

2. If any such child shall fail to submit to such physical examination, the commissioner of labor may issue an order cancelling such child's employment certificate. Such order shall be served upon the employer of such child who shall forthwith deliver to an authorized representative of the department of labor the child's employment certificate. A certified copy of the order of cancellation shall be served on the board of health or other local authority that issued the said certificate. No such child whose employment certificate has been cancelled, as aforesaid, shall, while said cancellation remains unrevoked, be permitted or suffered to work in any factory of the state before it attains the age of sixteen years. If thereafter such child shall submit to the physical examination required, the commissioner of labor may issue an order revoking the cancellation of the employment certificate and may return the employment certificate to such child. Copies of the order of revocation shall be served upon the former employer of the child and the local board of health as aforesaid.

3. If as a result of the physical examination made by a medical inspector it appears that the child is physically unfit to be em-

ployed in a factory, such medical inspector shall forthwith submit a report to that effect to the commissioner of labor which shall be kept on file in the office of the commissioner of labor, setting forth in detail his reasons therefor, and the commissioner of labor may issue an order cancelling the employment certificate of such child. Such order of cancellation shall be served, and the child's employment certificate delivered up, as provided in subdivision two hereof, and no such child while the said order of cancellation remains unrevoked shall be permitted or suffered to work in any factory of the state before it attains the age of sixteen years. If upon a subsequent physical examination of the child by a medical inspector of the department of labor it appears that the physical infirmities have been removed, such medical inspector shall certify to that effect to the commissioner of labor, and the commissioner of labor may thereupon make an order revoking the cancellation of the employment certificate and may return the certificate to such child. The order of revocation shall be served in the manner provided in subdivision two hereof. [*Added by L.* 1913, *ch.* 200, *in effect October* 1, 1913.]

2. Employment in Mercantile Establishments

§ 160. Application of article. The provisions of this article shall apply to all villages and cities which at the last preceding state enumeration had a population of three thousand or more.

§ 161. Hours of labor of minors and women; time for meals. 1. No child under the age of sixteen years shall be employed, permitted or suffered to work in or in connection with any mercantile establishment, business office, telegraph office, restaurant, hotel, apartment house, theater or other place of amusement, bowling alley, barber shop, shoe-polishing establishment, or in the distribution or transmission of merchandise, articles or messages, or in the distribution or sale of articles more than six days or forty-eight hours in any one week, or more than eight hours in any one day, or before eight o'clock in the morning or after six o'clock in the evening of any day. The foregoing provision shall not apply to any employment prohibited or regulated by section four hundred and eighty-five of the penal law.

2. No female employee over the age of sixteen years shall be required, permitted or suffered to work in or in connection with

any mercantile establishment more than six days or fifty-four hours in any one week, or more than nine hours in any one day, except that one day in each week may be longer than nine hours for the purpose of making one or more shorter work days in the week; or before seven o'clock in the morning or after ten o'clock in the evening of any day. This section does not apply to the employment of persons sixteen years of age or upwards between the eighteenth day of December and the following twenty-fourth day of December, both inclusive, or to such employment for two additional days at any time during the year for the purpose of stock-taking.

3. Not less than forty-five minutes shall be allowed for the noonday meal of the employees of any establishment specified in subdivision one hereof, unless the commissioner of labor shall permit a shorter time. Such permit shall be kept conspicuously posted in the main entrance of the establishment, but it may be revoked at any time. Whenever any employee is employed or permitted to work after seven o'clock in the evening, such employee shall be allowed at least twenty minutes to obtain lunch or supper between five and seven o'clock in the evening. [*Amended by L.* 1911, *ch.* 866, *and by L.* 1913, *ch.* 493, *L.* 1914, *ch.* 331, *and L.* 1915, *ch.* 386, *in effect April* 26, 1915.]

§ 161-a. Hours of labor of messengers. In cities of the first or second class no person under the age of twenty-one years shall be employed or permitted to work as a messenger for a telegraph or messenger company in the distribution, transmission or delivery of goods or messages before five o'clock in the morning or after ten o'clock in the evening of any day. [*Added by L.* 1910, *ch.* 342.]

§ 161-b. Employment of children in carrying and distributing newspapers. Upon obtaining a permit and badge as provided by this section, a male child over twelve years of age between the close of school and six-thirty o'clock in the afternoon and a male child over fourteen years of age between five-thirty and eight o'clock in the morning may be employed to carry and distribute newspapers on a newspaper route in a city or village, if no other work or employment be required or permitted to be done by any such child during that time. The badge or permit required by this section shall be issued to such child by the district superintendent or the board of education of the city or village and school district where such child resides, or

by such other officer thereof as may be officially designated by such board for that purpose, on the application of the parent, guardian or other person having the custody of the child desiring such permit and badge, or in case such child has no parent, guardian or custodian then on the application of his next friend, being an adult. Such permit and badge shall not be issued until the officer issuing the same shall have received, examined, approved and placed on file in his office satisfactory proof that such male child is of the age prescribed by this section, and shall also have received, examined and placed on file the written statement of the principal or chief executive officer of the school which the child is attending, stating that such child is an attendant at such school, that he is of the normal development of a child of his age and physically fit for such employment, and that such principal or chief executive officer approves the granting of a permit and badge to such child. No such permit or badge shall be valid for any purpose except during the period in which such proof and written statement shall remain on file, nor shall such permit or badge be authority beyond the period fixed therein for its duration. After having received, examined and placed on file such papers the officer shall issue to the child a permit and badge. Such permit shall state the date and place of birth of the child, the name and address of its parent, guardian, custodian or next friend, as the case may be, and describe the color of hair and eyes, the height and weight and any distinguishing facial marks of such child, and shall further state that the papers required by this section have been duly examined and filed; and that the child named in such permit has appeared before the officer issuing the permit. The badge furnished by the officer issuing the permit shall bear on its face a number corresponding with the number of the permit, and the name of the child. Every such permit, and every such badge on its reverse side, shall be signed in the presence of the officer issuing the same by the child in whose name it is issued. The badge provided for herein shall be worn conspicuously at all times by such child while so working; and all such permits and badges shall expire annually on the first day of January. The color of the badge shall be changed each year. No child to whom such permit and badge are issued shall transfer the same to any other person nor be engaged in any city or village in distributing newspapers without having conspicuously upon his person such badge, and he shall exhibit the same upon demand at any time to any police or attendance officer. [*Added by L.* 1914, *ch.* 21, *in effect March* 5, 1914.]

§ 162. Employment of children. No child under the age of fourteen years shall be employed or permitted to work in or in connection with any mercantile or other business or establishment specified in the preceding section. No child under the age of sixteen years shall be so employed or permitted to work unless an employment certificate, issued as provided in this article, shall have been theretofore filed in the office of the employer at the place of employment of such child. [*As amended by L.* 1909, *ch.* 293, *and L.* 1911, *ch.* 866, *in effect October* 1, 1911.]

§ 163. Employment certificate, how issued. Such certificate shall be issued by the commissioner of health or the executive officer of the board or department of health of the city, town or village where such child resides or is to be employed, or by such other officer thereof as may be designated by such board, department or commissioner for that purpose, upon the application of the parent, guardian or custodian of the child desiring such employment. Such officer shall not issue such certificate until he has received, examined, approved and filed the following papers duly executed, namely: The school record of such child properly filled out and signed as provided in this article; also, evidence of age showing that the child is fourteen years old or upwards, which shall consist of the evidence thereof provided in one of the following subdivisions of this section and which shall be required in the order herein designated as follows:

(*a*) *Birth certificate; passport or baptismal certificate.* A duly attested transcript of the birth certificate filed according to law with a registrar of vital statistics or other officer charged with the duty of recording births; or a passport; or a duly attested transcript of a certificate of baptism showing the date of birth of such child.

(*b*) *Other documentary evidence.* In case it shall appear to the satisfaction of the officer to whom application is made, as herein provided, for an employment certificate, that a child for whom such certificate is requested and who has presented the school record, is in fact over fourteen years of age, and that satisfactory documentary evidence of age can be produced, which does not fall within any of the provisions of the preceding subdivisions of this section, and that none of the papers mentioned in said subdivisions can be produced, then and not otherwise he shall present to the board of health of which he is an officer or agent, for its action thereon, a statement signed by him showing such

facts, together with such papers as may have been produced before him constituting such evidence. The commissioner of health, or when officially authorized, the issuing officer of the board or department of health may then accept such evidence as sufficient as to the age of such child, and a record of such evidence shall be fully entered on the minutes of the board at the next meeting thereof.

(*c*) *Physicians' certificates.* In cities of the first class only, in case application for the issuance of an employment certificate shall be made to such officer by a child's parent, guardian or custodian who alleges his inability to produce any of the evidence of age specified in the preceding subdivisions of this section, and if the child is apparently at least fourteen years of age, such officer may receive and file an application signed by the parent, guardian or custodian of such child for physicians' certificates. Such application shall contain the alleged age, place and date of birth, and present residence of such child, together with such further facts as may be of assistance in determining the age of such child. Such application shall be filed for not less than sixty days after date of such application for such physicians' certificates, for an examination to be made of the statements contained therein, and in case no facts appear within such period or by such examination tending to discredit or contradict any material statement of such application, then and not otherwise the officer may direct such child to appear thereafter for physical examination before two physicians officially designated by the board of health, and in case such physicians shall certify in writing that they have separately examined such child and that in their opinion such child is at least fourteen years of age such officer shall accept such certificates as sufficient proof of the age of such child for the purposes of this section. In case the opinions of such physicians do not concur, the child shall be examined by a third physician and the concurring opinions shall be conclusive for the purpose of this section as to the age of such child.

Such officer shall require the evidence of age specified in subdivision (a) in preference to that specified in any subsequent subdivision and shall not accept the evidence of age permitted by any subsequent subdivision unless he shall receive and file in addition thereto an affidavit of the parent showing that no evidence of age specified in any preceding subdivision or subdivisions of this section can be produced. Such affidavit shall contain the age, place and date of birth, and present residence of such child, which affi-

davit must be taken before the officer issuing the employment certificate, who is hereby authorized and required to administer such oath and who shall not demand or receive a fee therefor.

Such employment certificate shall not be issued until such child further has personally appeared before and been examined by the officer issuing the certificate, and until such officer shall, after making such examination, sign and file in his office a statement that the child can read and write correctly simple sentences in the English language and that in his opinion the child is fourteen years of age or upwards and has reached the normal development of a child of its age, and is in sound health and is physically able to perform the work it intends to do. Every such employment certificate shall be signed in the presence of the officer issuing the same, by the child in whose name it is issued. In every case, before an employment certificate is issued, such physical fitness shall be determined by a medical officer of the department or board of health, who shall make a thorough physical examination of the child and record the result thereof on the blank to be furnished for the purpose by the Industrial Commission and shall set forth thereon such facts concerning the physical condition and history of the child as the industrial commissioner may require.

In case the evidence of age, filed as in this section provided, shows such child to be fourteen years old but fails to show such child to be fifteen years old, no employment certificate shall be issued unless such child, in addition to complying with all the requirements of this section and producing the school record described in section 73, shall also present a certificate of graduation properly issued in the name of such child, from a public elementary school, or school equivalent thereto, or parochial school, or a preacademic certificate issued by the Regents, or a certificate of the completion of an elementary course issued by the Education Department. [*Amended by L.* 1913, *ch.* 144, *and L.* 1916, *ch.* 465, *in effect February* 1, 1917.]

§ 164. Contents of certificate. Such certificate shall state the date and place of birth of the child, and describe the color of hair and eyes and the height and weight and any distinguishing facial marks of such child, and that the papers required by the preceding section have been duly examined, approved and filed and that the child named in such certificate has appeared before the officer signing the certificate and been examined.

§ 165. School record, what to contain. The school record required by this article shall be signed by the principal or chief executive officer of the school which such child has attended and shall be furnished on demand to a child entitled thereto or to the board, department or commissioner of health. It shall contain a statement certifying that the child has regularly attended the public schools or schools equivalent thereto or parochial schools for not less than one hundred and thirty days during the twelve months next preceding his fourteenth birthday, or during the twelve months next preceding his application for such school record, and is able to read and write simple sentences in the English language, has received during such period instruction in reading, spelling, writing, English grammar and geography and is familiar with the fundamental operations of arithmetic up to and including fractions and has completed the work prescribed for the first six years of the public elementary school or school equivalent thereto or parochial school, from which such school record is issued. Such school record shall also give the date of birth and residence of the child as shown on the records of the school and the name of its parent or guardian or custodian. [*Amended by L.* 1913, *ch.* 144, *in effect October* 1, 1913.]

§ 166. Supervision over issuance of certificates. The board or department of health or health commissioner of a city, village or town shall transmit between the first and tenth day of each month to the commissioner of labor a list of the names of all children to whom certificates have been issued during the preceding month, together with a duplicate record of all examinations as to physical fitness, including those resulting in rejection. In cities of the first and second class all employment certificates and school records required under the provisions of this chapter shall be in such form as shall be approved by the commissioner of labor. In towns, villages or cities other than cities of the first or second class, the commissioner of labor shall prepare and furnish blank forms for such employment certificates and school records. No school record or employment certificate required by this article other than those approved or furnished by the commissioner of labor as above provided shall be used. The commissioner of labor shall inquire into the administration and enforcement of the provisions of this article by all public officers charged with the duty of issuing employment certificates, and for that purpose the commissioner of labor shall have access to all

papers and records required to be kept by all such officers. [*Added by L.* 1913, *ch.* 144, *in effect October* 1, 1913.]

§ 167. Registry of children employed. The owner, manager or agent of a mercantile or other establishment specified in section one hundred and sixty-one, employing children, shall keep or cause to be kept in the office of such establishment, a register, in which shall be recorded the name, birthplace, age and place of residence of all children so employed under the age of sixteen years. Such register and the certificate filed in such office shall be produced for inspection, upon the demand of an officer of the board, department or commissioner of health of the town, village or city where such establishment is situated, or if such establishment is situated in a city of the first or second class, upon the demand of the commissioner of labor. On termination of the employment of the child so registered and whose certificate is so filed, such certificate shall be forthwith surrendered by the employer to the child or its parent or guardian or custodian. An officer of the board, department or commissioner of health of the town, village or city where a mercantile or other establishment mentioned in this article is situated, or if such establishment is situated in a city of the first or second class the commissioner of labor may make demand on an employer in whose establishment a child apparently under the age of sixteen years is employed or permitted or suffered to work, and whose employment certificate is not then filed as required by this chapter, that such employer shall either furnish him, within ten days, evidence satisfactory to him that such child is in fact over sixteen years of age, or shall cease to employ or permit or suffer such child to work in such establishment. The officer may require from such employer the same evidence of age of such child as is required on the issuance of an employment certificate and the employer furnishing such evidence shall not be required to furnish any further evidence of the age of the child. A notice embodying such demand may be served on such employer personally or may be sent by mail addressed to him at said establishment, and if served by post shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the post. When the employer is a corporation such notice may be served either personally upon an officer of such corporation, or by sending it by post addressed to the office or the principal place of business of such corporation. The papers constituting such evidence of age furnished by the employer in response to such demand shall, except in cities of the first and

second class, be filed with the board, department or commissioner of health, and in cities of the first and second class with the commissioner of labor, and a material false statement made in any such paper or affidavit by any person shall be a misdemeanor. In case such employer shall fail to produce and deliver to the officer of the board, department or commissioner of health, or in cities of the first and second class to the commissioner of labor, within ten days after such demand such evidence of age herein required by him, and shall thereafter continue to employ such child or permit or suffer such child to work in such mercantile or other establishment, proof of the giving of such notice and of such failure to produce and file such evidence shall be prima facie evidence in any prosecution brought for a violation of this article that such child is under sixteen years of age and is unlawfully employed. [*Amended by L.* 1913, *ch.* 145, *in effect March* 28, 1913.]

§ 172. Enforcement of article. Except in cities of the first and second class the board or department of health or health commissioners of a town, village or city affected by this article shall enforce the same and prosecute all violations thereof. Proceedings to prosecute such violations must be begun within sixty days after the alleged offense was committed. All officers and members of such boards or department, all health commissioners, inspectors and other persons appointed or designated by such boards, departments or commissioners may visit and inspect, at reasonable hours and when practicable and necessary, all mercantile or other establishments herein specified within the town, village or city for which they are appointed. No person shall interfere with or prevent any such officer from making such visitations and inspections, nor shall he be obstructed or injured by force or otherwise while in the performance of his duties. All persons connected with any such mercantile or other establishment herein specified shall properly answer all questions asked by such officer or inspector in reference to any of the provisions of this article. In cities of the first and second class the commissioner of labor shall enforce the provisions of this article, and for that purpose he and his subordinates shall possess all powers herein conferred upon town, village, or city boards and departments of health and their commissioners, inspectors, and other officers, except that the board or department of health of said cities of the first and second class shall continue to issue employment certificates as provided in section one hundred and sixty-three of this chapter. [*Amended by L.* 1913, *ch.* 145, *in effect March* 28, 1913.]

3. Employment in Street Trades

§ 220. Prohibited employment of children in street trades. No male child under twelve, and no girl under sixteen years of age, shall in any city of the first, second or third class sell or expose or offer for sale newspapers, magazines or periodicals in any street or public place. [*Amended by L.* 1913, *ch.* 618, *in effect May* 21, 1913.]

§ 221. Permit and badge for children engaged in street trades, how issued. No male child under fourteen years of age shall sell or expose or offer for sale said articles unless a permit and badge as hereinafter provided shall have been issued to him by the district superintendent of the board of education of the city and school district where said child resides, or by such other officer thereof as may be officially designated by such board for that purpose, on the application of the parent, guardian or other person having the custody of the child desiring such permit and badge, or in case said child has no parent, guardian or custodian then on the application of his next friend, being an adult. Such permit and badge shall not be issued until the officer issuing the same shall have received, examined, approved and placed on file in his office satisfactory proof that such male child is of the age of twelve years or upwards, and shall also have received, examined and placed on file the written statement of the principal or chief executive officer of the school which the child is attending, stating that such child is an attendant at such school, that he is of normal development of a child of his age and physically fit for such employment, and that said principal or chief executive officer approves the granting of a permit and badge to such child. No such permit or badge shall be valid for any purpose except during the period in which such proof and written statement shall remain on file, nor shall such permit or badge be authority beyond the period fixed therein for its duration. After having received, examined and placed on file such papers the officer shall issue to the child a permit and badge. Principals or chief executive officers of schools in which children under fourteen years are pupils shall keep complete lists of all children in their schools to whom a permit and badge as herein provided have been granted. [*Amended by L.* 1913, *ch.* 618, *in effect May* 21, 1913.]

§ 222. Contents of permit and badge. Such permit shall state the date and place of birth of the child, the name and address of its parent, guardian, custodian or next friend, as the

case may be, and describe the color of hair and eyes, the height, weight and any distinguishing facial mark of such child, and shall further state that the papers required by the preceding section have been duly examined and filed; and that the child named in such permit has appeared before the officer issuing the permit. The badge furnished by the officer issuing the permit shall bear on its face a number corresponding to the number of the permit, and the name of the child. Every such permit, and every such badge on its reverse side, shall be signed in the presence of the officer issuing the same by the child in whose name it is issued. [*Amended by L.* 1913, *ch.* 618, *in effect May* 21, 1913.]

§ 223. Regulations concerning badge and permit. The badge provided for herein shall be worn conspicuously at all times by such child while so working; and all such permits and badges shall expire annually on the first day of January. The color of the badge shall be changed each year. No child to whom such permit and badge are issued shall transfer the same to any other person nor be engaged in any city of the first, second or third class as a newsboy, or shall sell or expose or offer for sale newspapers, magazines or periodicals in any street or public place without having conspicuously upon his person such badge, and he shall exhibit the same upon demand at any time to any police, or attendance officer. [*Amended by L.* 1913, *ch.* 618, *in effect May* 21, 1913.]

§ 224. Limit of hours. No child to whom a permit and badge are issued as provided for in the preceding section shall sell or expose or offer for sale any newspapers, magazines or periodicals after eight o'clock in the evening, or before six o'clock in the morning. [*Amended by L.* 1913, *ch.* 618, *in effect May* 21, 1913.]

§ 225. Enforcement of article. In cities of the first, second or third class, police officers, and the regular attendance officers appointed by the board of education, who are hereby vested with the powers of peace officers for the purpose, shall enforce the provisions of this article. [*Amended by L.* 1913, *ch.* 618, *in effect May* 21, 1913.]

§ 226. Violation of this article, how punished. Any child who shall, in any city of the first, second or third class, sell or expose or offer for sale newspapers, magazines or periodicals in violation of the provisions of this article may be deemed and

adjudged in need of the care and protection of the state, and if over seven years of age may be adjudged guilty of juvenile delinquency. A child violating the provisions of this act may be arrested and in the city of New York be brought before a children's court and in any other city be brought before a court or magistrate having jurisdiction to commit a child to an incorporated charitable reformatory or other institution and be dealt with according to law. If any such child is committed to an institution, it shall, when practicable, be committed to an institution governed by the same religious faith as the parents of such child. The permit and badge of any child who violates the provisions of this article may be revoked by the officer issuing the same, upon the recommendation of the principal or chief executive officer of the school which such child is attending, or upon the complaint of any police officer or attendance officer, and such child shall surrender the permit and badge so revoked upon the demand of any attendance officer or police officer charged with the duty of enforcing the provisions of this article. The refusal of any child to surrender such permit and badge, upon such demand, or the sale or offering for sale of newspapers, magazines or periodicals in any street or public place by any child after notice of the revocation of such permit and badge shall be deemed a violation of this article and shall subject the child to the penalties provided for in this section. [*Amended by L.* 1913, *ch.* 618, *in effect May* 21, 1913.]

§ 227. Punishment of parent, guardian or other person for contributing to the delinquency of children. The parent, guardian or other person having the custody of a child, who omits to exercise reasonable diligence to prevent such child from violating the provisions of this act, shall be guilty of a misdemeanor and shall be dealt with as provided by section four hundred and ninety-four of the penal law. In any such proceedings against any such parent, guardian or other person having custody of such child, proof of the presence of such child in the public streets engaged in the sale or exposure or offering for sale of newspapers, magazines or periodicals in violation of the provisions of this article, shall be deemed prima facie proof of the lack of reasonable diligence in the control of such child by such parent, guardian or custodian, to prevent such offense by such child. [*Amended by L.* 1913, *ch.* 618, *in effect May* 21, 1913.]

X. FINANCIAL PROVISIONS

State Finance Law (*L.* 1909, *ch.* 58)

§ 2. Fiscal year. The fiscal year of all offices, asylums, hospitals, charitable and reformatory institutions in this state shall begin with the first day of July and end with the next following thirtieth day of June. All books and accounts in the offices of the comptroller and treasurer shall be kept by fiscal years. All annual accounts required to be rendered to the comptroller or treasurer by any person shall be closed on the thirtieth day of June in each year, and rendered as soon thereafter as practicable, if no time is specially prescribed by law. The first fiscal year under this section as hereby amended shall begin on the first day of July, 1916; and the current fiscal year is hereby abridged, to end on the thirtieth day of June in such year.

Where any statute provides, in terms or effect, that any inventory or account, or a report relating in whole or in part to receipts and disbursements of money, be made to the legislature or any state officer annually, or for a year, by a board, commission or officer under the state government, such inventory or account, and such report so far as it relates to such receipts and disbursements, shall be for the preceding fiscal year, unless the calendar year be expressly mentioned. [*Amended by L.* 1916, *ch.* 118, *in effect April* 3, 1916.]

§ 2-a. The salaries of all officers of the state, and the wages of all employees thereof shall be due from and payable by the state twice each month, on the first and sixteenth days thereof, except where such days fall upon Sunday or a legal holiday when such payments shall be made upon the succeeding business day. Said salaries and wages shall be subject to all the provisions of section thirteen hundred and ninety-one of the code of civil procedure applicable to any wages, debts, earnings or salary, as if the state and the said wages and salary due and payable by it had been particularly designated therein. The provisions of this section shall be deemed to supersede any other provision of this chapter or of any general or special law inconsistent herewith. [*Added by L.* 1910, *ch.* 317.]

§ 40. Gifts to the state of obligations of another state; how held. Whenever any person or persons, copartnership, corporation or association shall give, bequeath or assign to

the state of New York any bonds, warrants, choses in action or other obligations of any other state, the governor is hereby authorized in his discretion, to receive and accept the same for the benefit of the state and the right and title thereto and therein shall thereupon pass to and vest in this state and the same and all the proceeds thereof when collected shall be held by the comptroller in a special account or fund subject to be appropriated by the legislature only for the support of common schools, or for the promotion of some educational interest in the state. Whenever it shall be necessary to protect or assert the right or title of the state to any such bonds, warrants, choses in action or other obligations so received, or to collect or enforce the same or any part thereof, principal or interest, the attorney general is hereby authorized and directed to take the necessary and proper proceedings or to bring suit thereon in the name of the state in any court of competent jurisdiction, state or federal, and to prosecute all such suits or proceedings to a termination.

§ 80. The education fund. The common school fund, the literature fund, and the United States deposit fund, shall continue to consist of all moneys, securities or other property in the treasury of the state, or under the control of any state officer, and of all debts due the state, or real property owned by it, belonging to such funds. The proceeds of all lands which belonged to the state on January first, eighteen hundred and twenty-three, except the parts thereof reserved or appropriated to public use, or ceded to the United States, shall belong to the common school fund.

In case of any diminution of capital belonging to the common school fund, United States deposit fund or literature fund, there shall be transferred to the capital of such fund or funds from the income thereof so much as may be necessary to preserve the capital inviolate. Of the income of the United States deposit fund, twenty-five thousand dollars shall annually be added to the capital of the common school fund. It shall be the duty of the comptroller, at the close of each fiscal year, to transfer to the general fund the remainder of the income of the common school fund, United States deposit fund and literature fund, which together with such amounts as may be raised or received by taxation or otherwise for educational purposes, shall constitute the education fund, and appropriations therefrom may be made annually for the support of the educational system of the state, to be apportioned by the commissioner of education in the manner provided

by law, which apportionment shall be certified by the commissioner of education to the comptroller for distribution and payment. The amount appropriated by the legislature for the support and maintenance of the common school system of the state, shall be payable from the treasury upon the warrant of the comptroller, and the comptroller shall countersign and enter all checks drawn by the treasurer in payment of his warrants, and all receipts of the treasurer for such payments paid to the treasurer, and no such receipts shall be evidence of payment unless they be so countersigned.

XI. FEES OF SUPERVISOR

Town Law (*L.* 1909, *ch.* 63)

§ 85. Compensation of town officers.

3. The supervisor of each town shall be allowed and paid, in the same manner as other town charges are allowed and paid, a fee of one per centum on all moneys paid out by him as such supervisor, including school moneys disbursed by him as provided in the education law, moneys paid out by him for damages arising from dogs killing or injuring sheep as provided in article seven of the county law, moneys in his hands paid out by him for the relief of the poor, and all other town moneys paid out by him for defraying town charges, except moneys expended under article six of the highway law. But no such fee shall be allowed or paid upon moneys paid over by him to his successor in office. Such fees shall be in full compensation for all services rendered by him in respect to moneys received and paid out by him as such supervisor as provided by law except the compensation provided in section one hundred and ten of the highway law. [*As amended by L.* 1909, *ch.* 491.]

XII. LIQUORS SOLD NEAR SCHOOLHOUSES

Liquor Tax Law (*L.* 1909, *ch.* 39)

§ 23. Places in which traffic in liquor shall not be permitted. Traffic in liquor shall not be permitted:

2. Under the provisions of subdivision one of section eight of this chapter, in any building, yard, booth or other place which shall be on the same street or avenue and within two hundred feet of a building occupied exclusively as a church or schoolhouse;

the measurements to be taken in a straight line from the center of the nearest entrance of the building used for such church or school to the center of the nearest entrance of the place in which such liquor traffic is desired to be carried on; provided, however, that this prohibition shall not apply to a place which on the twenty-third of March, eighteen hundred and ninety-six, was lawfully occupied for a hotel, nor to a place in which such traffic in liquors was actually lawfully carried on at that date, nor to a place which at such time was occupied, or was in process of construction, by a corporation or association which traffics in liquors solely with the members thereof, nor to a place within such limit to which a corporation or association trafficking in liquors solely with the members thereof, at such date may remove; nor to any place within the above prescribed limit of a building occupied exclusively as a church, if, simultaneously with the filing of an application statement descriptive of such traffic, there shall be filed a consent in writing that such traffic in liquors be so carried on during a term therein stated, executed by the corporation, association or society using such building as a church, or the duly authorized agent thereof, and acknowledged as are deeds entitled to be recorded; nor to a place in which traffic in liquors was lawfully carried on continuously from a date prior to the date when a building on the same street or avenue and within two hundred feet of said place has been occupied exclusively as a church or schoolhouse; nor to any premises which have been continuously occupied for a hotel from a date prior to the date when a building on the same street or avenue and within two hundred feet of said premises has been occupied exclusively as a church or schoolhouse; but none of the exceptions under this subdivision shall apply to subdivision one of this section, or to any of the places enumerated in this subdivision which shall have had a liquor tax certificate for trafficking in liquors in such place revoked after the first day of May, nineteen hundred and five, or forfeited for any violation of law committed after the first day of May, nineteen hundred and eight, providing the violation of law for which such revocation or forfeiture was had was either that the certificated premises had been suffered or permitted to be disorderly or that gambling has been suffered or permitted therein, unless consent as hereinbefore provided shall thereafter be obtained and filed. [*Amended by L.* 1911, *ch.* 643 *and L.* 1915, *ch.* 654, *in effect May* 18, 1915.]

XIII. SAVINGS BANKS IN SCHOOLS

Banking Law (*L.* 1914, *ch.* 369)

§ 279. Advertisements of unauthorized savings banks and the use of the word "savings" prohibited; exception as to school savings. 2. The principal or superintendent of any public school in the state of New York or any person designated for that purpose by the board of education or other school authority under which such school shall be, or the superintendent or other designated head of any philanthropic agency incorporated for philanthropic purposes, if such agency be so authorized by certificate of the superintendent of banks, may collect from time to time small amounts of savings from the pupils of said school, or from the children or persons under the direction or guidance of such philanthropic agency and deposit the same on the day of collection in some savings bank in the state or, in villages and cities in which there is no regularly established savings bank in any savings and loan association, trust company, state or national bank located in the state and having an interest department, and upon the subsequent establishment of a savings bank in such village or city the deposit of such moneys or the continuance of deposits in any savings and loan association, trust company, state or national bank previously used as a depository of school savings shall not be deemed a violation of the provisions of this section. The money so collected shall be placed to the credit of the respective pupils, children or persons from whom the money shall be collected, or if the amount collected at any one time shall be deemed insufficient for the opening of individual accounts, it shall be deposited in the names* of said principal, superintendent or head of such philanthropic agency or designated person, in trust to be by him eventually transferred to the credit of the respective pupils, children or persons to whom the same belongs. In the meantime, said principal, superintendent or head of such philanthropic agency or designated person shall furnish to the bank a list giving the names, signatures, addresses, ages, places of birth, parents' names and such other data concerning the respective pupils, children or persons as the savings bank may require, and it shall be lawful to use the words "system of school savings banks" or "school savings banks" or "thrift funds" in circulars, reports and other printed or written matter used in connection with the purposes of this section [*L.* 1914, *ch.* 369, *as amended by L.* 1916, *ch.* 90, *in effect March* 30, 1916.]

* So in original.

XIV. LEGALIZING SCHOOL BONDS; RATE OF INTEREST

General Municipal Law (*L.* 1909, *ch.* 29)

ARTICLE 2-a

[*Inserted by L.* 1911, *ch.* 769.]

Legalizing Bonds or Proceedings for Issuance

Section 22. Legalizing proceedings.
23. Petition.
24. Notice of presentation of petition; filing; answer.
25. Hearing.
26. Determination of court.
27. Appeal.
28. Effect of determination.
29. Definitions.

§ 22. Legalizing proceedings. Proceedings heretofore or hereafter taken by a municipal corporation authorized by law to issue bonds, or by its officers, agents or voters, pursuant to a statute authorizing or requiring such proceedings, may be legalized and confirmed by the supreme court in the manner and with the effect provided by this article. A proceeding may be instituted hereunder for the purposes of legalizing and confirming such proceedings taken prior to the issuance and sale of such bonds, or for the purpose of legalizing and confirming such preliminary proceedings and also the issuance, sale and form of such bonds. Such a proceeding may be instituted by the officer or officers of such municipal corporation authorized or required by law to sell such bonds, or if the purpose of such proceeding also includes the legalizing and confirming of the proceedings in respect to the issuance, sale and form of such bonds, by any taxpayer of the municipal corporation or by a purchaser or holder of such bonds.

§ 23. Petition. The officer or person commencing such proceeding shall present a verified petition to a special term of the supreme court held within the judicial district in which such municipal corporation is wholly or partly situated, stating the statute under which it is proposed to issue such bonds or under which such bonds were issued, the purpose thereof, the aggregate amount of bonds proposed to be issued or issued, the time when such bonds

are payable, and all proceedings that have been taken by the municipal corporation, or by its officers, agents or voters, in respect to the issuance and sale of such bonds, and praying that such court shall investigate the law and facts in relation to such proceedings and determine whether such proceedings substantially complied with the statute under which it is proposed to issue and sell such bonds, or under which such bonds were issued and sold. Such petition may also state any particular in which the petitioner deems that such proceedings may not have complied with the statute under which it is proposed to issue and sell such bonds, or under which the same were issued and sold.

§ 24. Notice of presentation of petition; filing; answer. A notice stating the time and place of the presentation of such petition and briefly describing the proceedings sought to be legalized and confirmed shall be published at least twice in a newspaper, if any, published in the municipal corporation, or if no newspaper be published therein, in a newspaper published in the city, village or town nearest to such municipal corporation. Such publication shall be made at least twenty and not more than thirty days prior to the date of such hearing. Such notice shall also be posted in at least ten conspicuous public places in the municipal corporation. If such proceeding be instituted by a taxpayer, or a purchaser or holder of bonds which have been issued, such notice shall also be served upon the mayor of a city, the president of a village, the supervisor of a town, or the officer, board or commission authorized or required by law to sell such bonds, and upon any known purchaser or holder of such bonds. Such notice shall be so served personally or by mail at least twenty days before the date of such hearing and shall be accompanied by the petition proposed to be presented at such hearing, and at least ten days prior to such hearing such municipal corporation may serve on the petitioner a verified answer to such petition. If such proceeding be instituted by a municipal officer or officers, a copy of the petition proposed to be presented at the hearing shall be filed in the office of the officer or officers authorized or required by law to sell such bonds. At any time prior to such hearing a taxpayer of such municipality, or if such bonds have been issued, a holder or purchaser may file in such office a verified answer to such petition.

§ 25. Hearing. At the time of such hearing any taxpayer of the municipal corporation, or if such bonds have been issued,

any holder or purchaser thereof may intervene and with the consent of the court be made a party thereto. Upon such hearing any party to such proceeding may appear, by counsel, and may produce and examine witnesses as to the proceedings taken in respect to the issue and sale of such bonds. Such witnesses shall be subject to cross-examination by any party appearing at such hearing.

The court may appoint a referee to take testimony in respect to the proceeding for the issuance and sale of such bonds and may otherwise require the parties thereto to produce proof, by affidavit or otherwise, of any facts which may tend to enable the court to make a full and complete determination in respect to the proceedings for the issuance and sale of such bonds.

§ 26. Determination of court. If, after such hearing and investigation, such court is satisfied that the statute under which such proceedings were taken authorized bonds to be issued by the municipal corporation for the aggregate amount for which it is proposed to issue the same, or for the amount of bonds issued and sold thereunder if such bonds have been already issued and sold, and that the proceedings taken by such municipal corporation, its officers, agents or voters, prior to the issuance and sale of such bonds, or including the issuance and sale of such bonds have been already issued, substantially complied with the statute under which it is proposed to issue such bonds, or under which such bonds were issued and sold, the court may, by order, legalize and confirm the proceedings taken prior to the issue and sale of such proposed bonds, or if such bonds have been issued, including the proceedings on the issuance and sale thereof and the form of the bonds issued thereunder, with the same force and effect as though all the provisions of law in relation to such proceedings and form had been strictly complied with. The court may determine that such statute was substantially complied with if it authorized the aggregate amount of bonds proposed to be issued or issued thereunder, that the proposition to issue such bonds was adopted at the election, if any, to which it was submitted or by the required vote of the meeting of the body or board to which it was submitted, and that such bonds, if issued and sold were sold at not less than par and at a rate of interest no greater than was authorized by the statute under which such bonds were issued, notwithstanding any irregularity or technicality in the form of proposition or resolution proposing or authorizing such issue, or in the notice of the election or of the meeting of the board or body adopting such resolution or

authorization, or in the time or manner of service thereof, or in the conduct of the election or meeting at which such proposition or authorization was adopted, or in that such proposition was submitted more than once within one year or other shorter period than authorized by law, or, if such bonds have already been issued in the manner of issuance or sale thereof, or in the time or times of payment thereof, or notwithstanding any other technical or formal irregularity of like nature in such proceedings. If the court is satisfied that the proceedings for the issuance and sale of such bonds did not substantially comply with the statute under which it was proposed to issue and sell the same or under which the same were issued and sold, he may make an order accordingly specifying the particulars in which he deems that such proceedings failed to comply with such statute.

§ 27. Appeal. An appeal may be taken to the appellate division from the order of the supreme court legalizing and confirming such proceedings, or refusing to legalize and confirm the same. Such appeal must be taken within ten days after the entry of the order, by the service of the notice of appeal upon all the parties to such proceeding who appeared personally or by counsel at the hearing before the supreme court. The decision of the appellate division thereon shall be final.

§ 28. Effect of determination. If the order of the supreme court legalizes and confirms such proceedings, upon the expiration of the time to appeal therefrom if no appeal be taken, or upon the entry of the final order of the appellate division confirming such order of the supreme court, such proceedings shall be deemed legalized and confirmed. If such proceeding was instituted to legalize and confirm proceedings prior to the issuance and sale of such bonds, the officer or officers of such municipal corporation authorized to issue such bonds may issue and sell the same accordingly, and the validity of such bonds shall not thereafter be in any manner questioned by reason of any defect or irregularity in such preliminary proceedings, and nothwithstanding any such irregularity or defect shall be binding and legal obligations upon the municipal corporation issuing and selling the same. If such proceeding was instituted to legalize and confirm the proceedings for the issue and sale of bonds that were issued and sold at the time such proceeding was instituted, such bonds shall be valid and binding obligations upon the municipal corporation, in like manner, and the validity thereof shall not in any manner be questioned

by reason of any irregularity or defect in the proceedings for the issue and sale of such bonds, or in the form thereof.

§ 29. Definitions. The term "municipal corporation" as used in this article includes a city, county, village, town, school district, sewer district, water district, lighting district or any other district or territory authorized by law to issue bonds.

The term "bonds" as used in this article includes bonds, corporate stock, certificates of indebtedness or any other obligations whereby a municipal corporation agrees to pay a stated sum of money.

§ 21. Maximum rate of interest on municipal bonds. If in any general or special law heretofore passed authorizing or requiring an issue of bonds by a municipal corporation, or by any department, board, commission, or officer thereof, a maximum rate of interest on the bonds to be issued thereunder be prescribed, the rate of interest on such bonds hereafter issued in pursuance of such general or special law may be fixed by the department, board, commission or officer charged by law with the duty of issuing such bonds at any rate not more than the legal rate of interest, notwithstanding the provisions of such general or special law prescribing a different maximum rate. The term "municipal corporation" as used in this section includes a city, county, village, town, school district, sewer district, water district, lighting district or any other district or territory authorized by law to issue bonds, and the term "bonds" includes bonds, corporate stock, certificates of indebtedness or any other obligation whereby a municipal corporation agrees to pay a stated sum of money. [*Added by L.* 1911, *ch.* 573.]

XV. AGRICULTURAL EDUCATION AND COUNTRY LIFE ADVANCEMENT

[*L.* 1911, *ch.* 785.]

§ 1. An advisory board in relation to the promotion and direction of agricultural education and the advancement of country life is hereby created to consist of twelve persons as follows:

The commissioner of education, commissioner of agriculture, director of the New York state college of agriculture, director of the New York agricultural experiment station, director of the

New York state veterinary college, director or dean of the state schools of agriculture at Alfred university, Alfred, N. Y., Saint Lawrence university, Canton, N. Y., and Morrisville, N. Y., a member of the state fair commission, to be designated by the commission, and the remaining three members to be appointed by and hold office during the pleasure of the governor.

It shall be the duty of said board to consider plans for the promotion and direction of agricultural education and the advancement of the interest in country life. Said board shall on or before the first day of February of each year report to the governor of the state its views and recommendations upon the above questions.

The representatives of the departments or institutions as above set forth shall be the head or chief executive officer of such department or institution or a person duly designated by such head or executive officer; said board to serve without compensation for services.

§ 2. This act shall take effect immediately.

XVI. ST. LAWRENCE COUNTY COUNCIL OF EDUCATION TO ADOPT UNIFORM TEXT-BOOKS

§ 1. The county judge of the county of St. Lawrence, the district superintendents of schools of such county, the superintendent of schools of the city of Ogdensburg, the principal of the Potsdam normal school and the principals of the high schools of Gouverneur, Massena and Canton and their successors, are hereby appointed and designated the "council of education" of the county of St. Lawrence.

§ 2. The county judge of such county shall be, ex-officio, chairman of such council and in his absence or inability to act the council shall elect a temporary chairman. They shall elect one of their number secretary and he shall keep an accurate record of the proceedings of such council. They may, by resolution, adopt such rules and regulations for governing their actions and deliberations, not inconsistent with law, as they deem necessary.

§ 3. Such council shall select a convenient place for meeting, but unless a different place shall by resolution be designated the meeting shall be held at the office of the county judge. Meetings of the council may be called by the chairman at any time he may

deem them necessary and must be called by the secretary on the request in writing of three or more members of the council and may be adjourned from time to time. A majority of the members shall constitute a quorum and a majority of those present may transact any business that may come before the council.

§ 4. It shall be the duty of such council to meet at least twenty days before the first day of August, nineteen hundred and thirteen, and, by resolution duly passed, to designate a uniform system of textbooks to be used by all cities and school districts in such county. A copy of the resolution as adopted, prescribing the textbooks to be used, shall be mailed to or served upon each member of the board of education of every union free school district and the trustee of every school district in such county at least ten days before the commencement of the school year, and no textbooks other than those designated in such resolution shall be used in any school within such county.

§ 5. The textbooks thus designated for said county shall not be changed within a period of five years from the time of such designation, except upon a three-fourths vote of the said council of education at a duly convened meeting thereof. [*Added by L.* 1913, *ch.* 653, *in effect May* 23, 1913.]

XVII. NAUTICAL SCHOOL

[*L.* 1913, *ch.* 322.]

Section 1. A nautical school shall be maintained at the city of New York for the purpose of giving instruction in the science and practice of navigation, seamanship, steam and electrical engineering to male pupils from the several counties of this state who shall have the qualifications of good moral character, elementary education, and physical fitness which may be required by the board of governors of said school.

§ 2. It is not the purpose of this act to duplicate the New York Nautical School now conducted under the management of the board of education of the city of New York, but to perpetuate and insure the continuance of that institution and to extend its privileges to young men throughout this state who shall have the requisite qualifications and who shall apply for admission with the approval of their parents or guardian. It is, therefore, provided that in the event of the board of education of the city

of New York deciding to discontinue the New York Nautical School and notifying the governor of such intention and of the purpose of the city of New York to transfer to the state the present training ship and the equipment consisting of books, charts, instruments, apparatus and supplies now used by said school, the governor shall within thirty days after the receipt of such notice appoint a board of governors of the New York State Nautical School which is hereby authorized.

§ 3. The board of governors of the New York State Nautical School shall consist of the commissioner of education of the state of New York, and eight appointive members, to be appointed as follows: One shall be a member of the chamber of commerce of the state of New York; one shall be a member of the maritime association of the port of New York; one shall be a member of the marine society; one shall be a member of the New York board of trade and transportation; one shall be an alumnus of the New York Nautical School; one shall be a member of the Buffalo chamber of commerce; one shall be a member of the Albany chamber of commerce; one shall be a New York state member of the national board of steam navigation.

§ 4. Three of the members of the board of governors shall be appointed for one year; three shall be appointed for two years; and three shall be appointed for three years. At the expiration of any such terms and each year three members of the board of governors shall be appointed as in the first instance from among the members of the organization named in section three of this act and for a full term of three years. In the case of a vacancy from any cause such vacancy shall be filled by the governor for the unexpired term from among the members of the organization represented by the member whose unexpired term is to be filled.

§ 5. The members of the board of governors shall serve without pay, but they shall be allowed their actual expenses incurred in attending any regular or called meeting of the board of governors, or in attending the sessions of any duly appointed subcommittee of said board, for any purpose authorized by said board, which allowance shall be paid from any appropriations which may be provided for the purposes of said nautical school.

§ 6. The board at its first meeting shall elect one of its members as chairman and such chairman under the instructions of the board shall have the general supervision and control of the

school and of all its property, and shall have the direction of its work and that of the instructors and others engaged in the school. The chairman so elected shall serve as such for one year or until his successor is elected. His successor as chairman shall be elected by a vote of the members of the board at a regular meeting thereof after one month's notice that the chairman is to be elected at such meeting. The chairman of the board, as well as the members of the board before entering upon their duties as such, respectively, shall take the oath prescribed for state officers by the constitution of the state.

§ 7. Within two weeks after their appointment in the first instance the members of the board of governors of the State Nautical School shall meet in the office of the department of education in the city of Albany upon a notice calling such meeting issued by the state superintendent of education. The board of governors shall provide and maintain a nautical training school pursuant to the provisions of this act, aboard a proper vessel which shall be stationed at the port of New York; they shall purchase and provide the necessary books, charts, instruments, apparatus and supplies required in the work of the school and for the proper accommodation and keep of the superintendent, instructors and pupils aboard such vessel; they shall appoint and remove the superintendent, who shall also be commander, the instructors and the necessary employees; determine their number, duties and compensation; fix the terms and conditions upon which pupils shall be received and instructed in the school and be graduated, discharged or suspended; they shall establish all rules and regulations necessary for the proper management of the school and from time to time shall arrange for cruises from and to the harbor of New York. Provided that admission as a pupil, tuition and keep shall be free on board such vessel to any male resident of the state of New York having the required qualifications prescribed by the board of governors, excepting an initial fee of fifty dollars for part cost of uniforms, equipment, et cetera.

§ 8. The board of governors of the State Nautical School may take over for the purposes of the school the United States ship "Newport," when the governor shall have been notified by the board of education of the city of New York of its purpose to discontinue the New York Nautical School, or the said board of governors may apply for and receive from the United States

government or any other source any more suitable vessel or vessels as conditions may require and the secretary of the navy may detail. They may annually expend for the purposes of such school any sum which the legislature may appropriate, and shall annually submit a budget or estimate of the sum required for the maintenance of the school and for its cruises. They shall keep full and detailed accounts of all such expenditures and shall make a complete report thereof with a report of all the work of the school annually to the legislature. They shall appoint a secretary to the board, determine his duties and fix his compensation and who shall be removable at the discretion of the board.

§ 9. The sum of one hundred thousand dollars ($100,000), or so much thereof as may be necessary, is hereby appropriated from moneys in the treasury not otherwise appropriated for the expenses of the New York Nautical School for the first year; said appropriation to become available when the governor shall have appointed the board of governors as provided in this act.

XVIII. COMMISSION FOR BLIND

[*L.* 1913, *ch.* 415, *in effect April* 30, 1913.]

Section 1. There shall be established a state commission, to be known as the New York state commission for the blind, consisting of five persons to be appointed by the governor within sixty days after the passage of this act. No person appointed to this commission shall serve thereon while serving as an official of any workshop or school wherein blind people may be placed.

§ 2. The full term of office of the members of this commission shall be five years. But of the first commission appointed, one member shall be appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years and one for a term of one year. At the expiration of the term of any member of the commission, his successor shall be appointed for a term of five years.

§ 3. It shall be the duty of this commission to cause to be maintained a complete register of the blind in the state of New York, which shall describe the condition, cause of blindness, capacity for education and industrial training of each, with such other facts as may seem to the commission to be of value.

§ 4. The commission shall maintain or cause to be maintained one or more bureaus of information and industrial aid, the object of which shall be to aid the blind in finding employment and to teach them trades and occupations which may be followed in their homes, and to assist them in whatever manner may seem advisable to the commission in disposing of the products of their home industry. [*Amended by L.* 1915, *ch.* 363, *in effect April* 26, 1915.]

§ 5. The commission may establish one or more schools for industrial training and workshops for the employment of suitable blind persons, and shall be empowered to equip and maintain the same, to pay to employees suitable wages, and to devise means for the sale and distribution of the products thereof. The commission may also pay, during their training for the tuition, temporary lodging and support of pupils and workmen received at any industrial school or workshop established by it or other establishments in which the blind are now or may hereafter be received and instructed, when in its judgment the efficiency of such blind person will thereby be promoted. The commission may also whenever it thinks proper aid individual blind persons to become self-supporting by furnishing materials or machinery to them; but this shall not be deemed to authorize the making of gifts by the commission. [*Amended by L.* 1915, *ch.* 363, *in effect April* 26, 1915.]

§ 6. The commission may ameliorate the condition of the blind by promoting visits among them and teaching them in their homes, as the commission may deem advisable.

§ 7. It shall be the duty of this commission to continue to make inquiries concerning the cause of blindness, to learn what proportion of these cases are preventable and to inaugurate and cooperate in any such preventive measures for the state of New York as may seem wise. The commission may arrange for the examination of the eyes of individual blind or partially blind persons and may obtain and pay for medical and surgical treatment of such persons whenever in the judgment of the commission the eyes of such persons may be benefited thereby. [*Amended by L.* 1915, *ch.* 363, *in effect April* 26, 1915.]

§ 8. The commission may appoint such officers and agents as may be necessary and fix their compensation within the limits of

the annual appropriation, in all cases, giving preference to blind persons of equal efficiency, but no person employed by the commission shall be a member thereof. It shall make its own by-laws, and shall annually, on or before the first day of January, make a report to the governor and the legislature of its proceedings up to and including the thirtieth day of September preceding, embodying therein a properly classified and tabulated statement of its receipts and expenditures. The commission shall make a classified and tabulated statement of its estimate for the year ensuing, to the governor on or before the first day of January in each year. The annual report shall also present a concise review of the work of the commission for the preceding year, with such suggestions and recommendations for improving the condition of the blind and preventing blindness as to it may seem expedient.

§ 9. There may be advanced to the chairman of said commission out of the treasury of the state annually, from the appropriation made for the commission, such sum as may be necessary, not exceeding five thousand dollars, at any one time, to be used as a working capital for the industries of the commission and for traveling and office expenses. Said sum when drawn from the treasury of the state shall be deposited in a national bank or trust company to the credit of the chairman of the commission as such, who shall give a bond in such sum and with such surety as the comptroller may approve. [*Amended by L.* 1915, *ch.* 363, *in effect April* 26, 1915.]

§ 10. The commission shall keep separate books of account for its industries, and may use all moneys received from the sale of any products made at its workshops, or from the sale of products made under its supervision to which it has title, for the purpose of carrying on its said industries. The comptroller, or some person authorized by him, shall at least once in each year, and oftener if he deems it advisable, examine the books, accounts and vouchers of the commission.

§ 11. The members of the commission shall receive no compensation for their services, but their traveling and other necessary expenses incurred in the performance of their official duties shall be audited by the comptroller and paid by the treasurer of the state, out of moneys that may be appropriated therefor.

§ 12. The sum of ten thousand dollars ($10,000), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for carrying out the objects and purposes of this act, to be paid by the state treasurer upon the warrant of the comptroller to the order of such commission.

XIX. PAYMENT OF CERTAIN EXPENSES OF DISTRICT SUPERINTENDENTS

[*County Law*, § 12]

31. The board of supervisors is authorized to provide for the payment of properly itemized and verified bills of district superintendents of schools of the supervisory districts in the county rendered by them for expenses incurred for necessary printing and office supplies, subject to such conditions as the board may prescribe. The board may, by resolution, authorize the incurring of indebtedness for such purposes and when so authorized the bills therefor shall be audited and paid in the same manner as other charges against the county. [*Subdivision added by L.* 1914, *ch.* 389, *in effect April* 16, 1914.]

XX. MILITARY AND DISCIPLINARY TRAINING

[*Military Law, Art.* 1-*A*]
Article added by L. 1916, *ch.* 566.

ARTICLE 1-A
Military and Disciplinary Training

Section 26. Military training commission, its assistants, employees and expenses.
27. Physical and disciplinary training in schools; military training.
28. Field training for boys.
29. General powers and duties of the commission.
29-a. State military property, including armories, may be used.
29-b. Use of school buildings.
29-c. Expenses of detailed officers and men.
29-d. Definitions; article not applicable to certain schools.

§ 26. Military training commission, its assistants, employees and expenses. A military training commission for the state is hereby established composed of the major general commanding the national guard ex officio, who shall be chairman of the commission, a member to be appointed by the board of regents of the university of the state and a member to be appointed by the governor. The appointed members shall hold office for terms of four years.

The commission shall meet at such places within the state at such stated times as it determines and other meetings shall be held at the call of the chairman or of a majority of the members of the commission at a time and place stated in the call.

The commissioners shall not receive any compensation for their services as such, but they shall be paid their traveling expenses actually and necessarily incurred in the performance of their duties as commissioners.

The commission may appoint and at pleasure remove an inspector of physical training at a salary not exceeding five thousand dollars a year and other assistants and clerks and employees at salaries to be fixed by the commission.

The commission shall make an annual report to the governor containing a summary of the business transacted with a statement in detail of its expenditures.

§ 27. Physical and disciplinary training in schools; military training. (1) The military training commission shall advise and confer with the board of regents of the university of the state of New York as to the courses of instruction in physical training to be prescribed for elementary and secondary schools as provided in the education law.

In order to more thoroughly and comprehensively prepare the boys of the elementary and secondary schools for the duties and obligations of citizenship, it shall also be the duty of the military training commission to recommend from time to time to the board of regents the establishment in such schools, of habits, customs and methods best adapted to develop correct physical posture and bearing, mental and physical alertness, self-control, disciplined initiative, sense of duty and the spirit of co-operation under leadership.

(2) After the first day of September, nineteen hundred and sixteen, all boys above the age of sixteen years and not over the age of nineteen years, except boys exempted by the commission,

shall be given such military training as the commission may prescribe for periods aggregating not more than three hours in each week during the school or college year, in the case of boys who are pupils in public or private schools or colleges, and for periods not exceeding those above stated between September first of each year and the fifteenth day of June next ensuing in the case of boys who are not pupils; but any boy who is regularly and lawfully employed in any occupation for a livelihood shall not be required to take such training unless he volunteers and is accepted therefor. Such training periods, in the case of pupils in such schools and colleges, shall be in addition to prescribed periods of other instruction therein and outside the time assigned therefor. Such training shall be conducted under the supervision of the military training commission by such male teachers and physical instructors of schools and colleges as may be assigned by the boards of education or trustees of such schools or governing bodies of such colleges and accepted by the commission, and by officers and enlisted men of the national guard and naval militia detailed for that purpose by the major general commanding the national guard or such officer and enlisted men of the United States army as may be available. The officers and enlisted men of the national guard and naval militia so detailed shall, while in the actual performance of the duties of the detail, receive such percentage of the pay authorized by this chapter for officers and enlisted men of the national guard and naval militia of their respective grades and length of service as may from time to time be fixed by the commission. Teachers and instructors assigned from schools and colleges shall be paid such compensation as the commission may determine out of moneys appropriated for carrying out the provisions of this article.

§ 28. Field training for boys. Within the limit of appropriations therefor, the commission shall establish and maintain state military camps of instructions for field training of boys who are physically fit and above the age of sixteen years and not over the age of nineteen years and who are accepted therefor by the commission. In determining the persons to receive such field training, where moneys available are not sufficient to provide for all, preference shall be given in the following order unless otherwise provided by law: (1) To male pupils in attendance during the preceding school year in secondary schools; (2)

pupils in attendance at state agricultural schools and state agricultural colleges during that period; (3) the other boys above specified. The camps shall be located in such places throughout the state as the commission may determine. Any society, organization or association having a fair ground and entitled to an apportionment of state moneys under sections three hundred and ten and three hundred and eleven of the agricultural law, shall, upon the request of the commission allow the use of its grounds, or part thereof, for any such camp, when the grounds are not needed for its own purposes, unless previously leased to other parties; and if any such society, association or organization shall refuse to allow the use of its grounds as above provided, the moneys otherwise due to it under such law shall be withheld each year in which such refusal occurs. Such field training shall be given annually, during the summer months, and shall for each detachment of boys cover a period of not less than two or more than four weeks, as the commission may determine. Such camps and the training and discipline thereat shall be under the direction and charge of the major general commanding the national guard, subject to the supervision of the commission. The major general commanding the national guard shall detail for service at such camps, such number of officers and enlisted men of the national guard and naval militia as may be required by the commission. Such officers and enlisted men during such detail shall receive pay, subsistence and transportation as authorized in this chapter and the regulations issued thereunder for officers and enlisted men of their grades and length of service on duty under orders of the major general, commanding the national guard.

§ 29. General powers and duties of the commission. The commission in addition to the powers elsewhere in this article conferred on it shall have power to

1. Provide for the observation and inspection of the work and methods prescribed under the provisions of this article, or under the provisions of the education law relating to instruction in physical training prescribed after conference with the commission.

2. Prescribe the powers and duties of the inspector of physical training.

3. Regulate the duties of clerical and other assistants and employees of the commission.

4. Prescribe rules and regulations for compulsory attendance during the periods of military training provided in this article.

5. Regulate individual exemptions from prescribed military training.

6. Maintain, and co-operate with the colleges in the state or the federal authorities in maintaining, courses of instruction for male teachers and physical instructors and others who volunteer and are accepted by the commission.

7. Make regulations and rules for fully carrying into effect the provisions of this article.

§ 29-a. State military property, including armories, may be used. The authorities in charge of armories may, upon the application of the military training commission, allow the use of any armory of the national guard and naval militia for the conduct of military drills provided for by this article, and may authorize the temporary use by boys for whom military instruction is provided as prescribed in this article, for the purpose of such drills, of arms and other equipment of the national guard and naval militia, belonging to the state, not then required for the use of the national guard or naval militia, and of arms and other equipment which may have been rendered obsolete and unserviceable and which may be retained and issued for such purpose, under such rules and regulations as the proper military authorities may prescribe. The military authorities of the state are authorized and empowered to loan to the military training commission such military property as may be necessary in the organization and maintenance of field training camps, and to carry out the provisions of this article.

§29-b. Use of school buildings. The school authorities throughout the state are authorized to permit the use of school buildings and school grounds for the purpose of carrying out the provisions of this article.

§ 29-c. Expenses of detailed officers and men. The expenditures authorized to be made by this article to officers and enlisted men of the national guard detailed as therein authorized shall be paid from funds appropriated to carry out the provisions of this article.

§ 29-d. Definitions; article not applicable to certain schools. The expression "school authorities" as used in this article shall be construed to have the same meaning and effect as is given to such expression in the education law. "Secondary schools" mean schools for "secondary education,"

as defined in such law, to the extent that they provide such education. None of the provisions of this article shall apply to any agricultural college in any institution in this state which receives the benefits of the act of congress of July second, eighteen hundred and sixty-two, providing for instruction in agriculture, the mechanic arts, and military training, and in which instruction in military tactics is now required of pupils, nor shall it apply to pupils therein.

§ 2. The sum of one hundred thousand dollars ($100,000), or so much thereof as may be necessary, is hereby appropriated to carry out the provisions of this act, which sum shall be expended under the direction of the military training commission for its expenses, the salary of assistants, clerical hire, pay and expenses of detailed officers and enlisted men of the national guard and naval militia, compensation of teachers and instructors assigned from schools and colleges for conducting military training, and the cost of maintaining training camps.

§ 3. All laws and parts of laws inconsistent with the provisions of this act are repealed.

APPENDIX B
OTHER LAWS RELATING TO THE UNIVERSITY

I. Incorporation of educational etc. corporations
1. General provisions as to incorporation
2. Tax to be paid upon incorporation
3. Other provisions as to powers and limitations
II. Gifts, devises and bequests for educational uses
1. Portion of estate to be devised or bequeathed
2. Gifts and bequests authorized
3. Grants and devises authorized
4. Accumulation for use of educational corporations
5. Transfer tax on devises and bequests
III. Libraries and state museum

I. INCORPORATION OF EDUCATIONAL ETC. CORPORATIONS

1. General Provisions as to Incorporation

State Constitution, Art. 8

§ 1. Corporations may be formed under general laws; but shall not be created by special act, except for municipal purposes, and in cases where, in the judgment of the legislature, the objects of the corporation can not be attained under general laws. All general laws and special acts passed pursuant to this section may be altered from time to time or repealed.

Business Corporations Law (*L.* 1909, *ch.* 12)

§ 2. Incorporation. Except as provided in section two-a of this chapter, three or more persons may become a stock corporation for any lawful business purpose or purposes other than a moneyed corporation, or a corporation provided for by the banking, the insurance, the railroad and the transportation corporations laws, or an educational institution or corporation which may be incorporated as provided in the education law, by making, signing, acknowledging and filing a certificate which shall contain: [*As amended by L.* 1909, *ch.* 484.]

Membership Corporations Law (*L.* 1909, *ch.* 40)

§ 40. Purposes for which corporations may be formed under this article. A membership corporation may be created under this article for any lawful purpose, except a purpose for which a corporation may be created under any other article of this chapter, or any other general law than this chapter.

See also *Education Law*, § 59. The Statutory Revision Commission called special attention before the enactment of this law to the fact that it would not allow incorporation, except by the regents, of any library, museum, or other institution or association for the promotion of science, literature, art, history, or other department of knowledge. All such corporations must hereafter be created only under section 59 of the Education Law and by act of the regents.

2. Tax to be Paid upon Incorporation

Tax Law (*L.* 1909, *ch.* 62)

§ 180. Organization tax. Every stock corporation incorporated under any law of this state shall pay to the state treasurer a tax of one-twentieth of one per centum upon the amount of capital stock which the corporation is authorized to have, and a like tax upon any subsequent increase. Provided, that in no case shall such tax be less than five dollars. Such tax shall be due and payable upon the incorporation of such corporation or upon the increase of its capital stock. Except in the case of a railroad corporation neither the secretary of state nor county clerk shall file any certificate of incorporation or article of association, or give any certificate to any such corporation or association until he is furnished a receipt for such tax from the state treasurer, and no stock corporation shall have or exercise any corporate franchise or powers, or carry on business in this state until such tax shall have been paid. And in case of a decrease of capital stock, upon which the tax required by law has been paid, and a subsequent increase thereof, a tax shall be paid only upon so much of such increase as exceeds the amount of capital stock upon which a tax has been before paid. In case of the consolidation of existing corporations into a corporation, such new corporation shall be required to pay the tax hereinbefore provided for only upon the amount of its capital stock in excess of the aggregate amount of capital stock of said corporations. This section shall not apply to state and national banks or to building, mutual loan, accumulating fund and co-operative associations. A railroad corporation need not pay such tax at the

time of filing its certificate of incorporation, but shall pay the same before the public service commission shall grant a certificate, as required by the railroad law, authorizing the construction of the road as proposed in its articles of association, and such certificate shall not be granted by the public service commission until it is furnished with a receipt for such tax from the state treasurer. If the board of railroad commissioners or public service commission shall have heretofore granted, or the public service commission shall hereafter grant, such certificate and upon an appeal from the determination of such board of railroad commissioners or public service commission, such certificate has been or may hereafter be denied the state treasurer shall refund the amount of tax so paid to the railroad corporation or corporations by which such tax was paid, upon proof of payment being presented and appropriation being made therefor. [*Amended by L.* 1911, *ch.* 91, *and L.* 1915, *ch.* 317, *in effect April* 15, 1915.]

3. Other Provisions as to Powers and Limitations

General Corporation Law (*L.* 1909, *ch.* 28.)

§ 11. Grant of general powers. Every corporation as such has power, though not specified in the law under which it is incorporated. . .

3. To acquire by grant, gift, purchase, devise or bequest, to hold and to dispose of such property as the purposes of the corporation shall require, subject to such limitations as may be prescribed by law. . .

§ 12. Enlargement of limitations upon the amount of the property of non-stock corporations. If any general or special law heretofore passed, or any certificate of incorporation, shall limit the amount of property a corporation other than a stock corporation may take or hold such corporation may take and hold property of the value of ten million dollars or less, or the yearly income derived from which shall be one million dollars or less, notwithstanding any such limitations. In computing the value of such property, no increase in value arising otherwise than from improvements made thereon shall be taken into account. [*As amended by L.* 1909, *ch.* 276, *and L.* 1911, *ch.* 581.]

§ 13. Acquisition of additional real property. When any corporation, except a life insurance corporation, shall have

sold or conveyed any part of its real property, the supreme court may, notwithstanding any restriction of a general or special law, authorize it to purchase and hold from time to time other real property, upon satisfactory proof that the value of the property so purchased does not exceed the value of the property so sold and conveyed within the three years next preceding the application.

§ 34. Quorum of directors and powers of majority. The affairs of every corporation shall be managed by its board of directors, at least one of whom shall be a resident of this state. Unless otherwise provided a majority of the board of directors of a corporation at a meeting duly assembled shall be necessary to constitute a quorum for the transaction of business and the act of a majority of the directors present at a meeting at which a quorum is present shall be the act of the board of directors. The members of a corporation may in by-laws fix the number of directors necessary to constitute a quorum at a number less than a majority of the board, but at least equal to one-third of its number. Subject to the by-laws, if any, adopted by members of a corporation, the directors may make necessary by-laws of the corporation.

§ 300. Application of preceding articles to certain corporations. Articles fifth, sixth or seventh of this chapter do not apply to a religious corporation; or to a municipal or other political corporation, created by the constitution, or by or under the laws of this state; or to any corporation which the regents of the university have power to dissolve, except upon the application of the regents, or of the trustees of such a corporation; and in aid of its liquidation under such dissolution.

§ 306. A receiver of the property of a corporation can be appointed only by the court, and in one of the following cases:

1. An action, brought as prescribed in article fifth, sixth or seventh of this chapter.

2. An action brought for the foreclosure of a mortgage upon the property, of which the receiver is appointed, where the mortgage debt, or the interest thereupon, has remained unpaid at least thirty days after it was payable, and after payment thereof was duly demanded of the proper officer of the corporation and where either the income of the property is specifically mortgaged, or the property itself is probably insufficient to pay the mortgage debt.

3. An action brought by the attorney-general, or by a stockholder, to preserve the assets of a corporation, having no officer empowered to hold the same.

4. A special proceeding for the voluntary dissolution of a corporation.

5. Upon the application of the regents of the university, in aid of the liquidation of a corporation whose dissolution they contemplate or have decreed; or upon the application of the trustees of such a corporation, with notice to the regents.

Where the receiver is appointed in an action, otherwise than by or pursuant to a final judgment, notice of the application for his appointment must be given to the proper officer of the corporation.

II. GIFTS, DEVISES AND BEQUESTS FOR EDUCATIONAL USES

1. Portion of Estate to be Devised or Bequeathed

Decedent's Estate Law (*L.* 1909, *ch.* 18)

§ 17. Devise or bequest to certain societies, associations and corporations. No person having a husband, wife, child or parent, shall, by his or her last will and testament, devise or bequeath to any benevolent, charitable, literary, scientific, religious or missionary society, association or corporation, in trust or otherwise, more than one half part of his or her estate, after the payment of his or her debts, and such devise or bequest shall be valid to the extent of one half, and no more.

For the purpose of ascertaining the estate, only half of which can be devised to charitable or educational corporations, under the act of 1860, the widow's dower and the debts are to be first deducted.

A testator can not give to two or more corporations in the aggregate more than he can give to a single object; viz, one-half of his estate (Chamberlain *v.* Chamberlain, 43 N. Y. 425).

To ascertain whether the sums bequeathed to charitable corporations exceed one-half the estate, when the sums so bequeathed are first given for life to other persons, the present value in money of the estate and the present value of the portion given must be estimated by the help of annuity tables (Hollis *v.* Drew Theological Seminary, 95 N. Y. 166). Heirs at law of a testator, however remote their relationship may be, are entitled to raise the objection that a devise or bequest is invalid under the act of 1860 (Rich *v.* Tiffany, 2 App. Div. 25).

2. Gifts and Bequests Authorized

Personal Property Law (*L.* 1909, *ch.* 45)

§ 12. Gifts and bequests of personal property for charitable purposes. 1. No gift, grant, or bequest to religious, educational, charitable, or benevolent uses, which shall in other respects be valid under the laws of this state, shall be deemed invalid by reason of the indefiniteness or uncertainty of the persons designated as the beneficiaries thereunder in the instrument creating the same. If in the instrument creating such a gift, grant, or bequest there is a trustee named to execute the same, the legal title to the property given, granted, or bequeathed for such purposes shall vest in such trustee. If no person be named as trustee then the title to such property shall vest in the supreme court.

2. The supreme court shall have control over gifts, grants and bequests in all cases provided for by subdivision one of this section, and, whenever it shall appear to the court that circumstances have so changed since the execution of an instrument containing a gift, grant or bequest to religious, educational, charitable or benevolent uses as to render impracticable or impossible a literal compliance with the terms of such instrument, the court may, upon the application of the trustee or of the person or corporation having the custody of the property, and upon such notice as the court shall direct, make an order directing that such gift, grant or bequest shall be administered or expended in such manner as in the judgment of the court will most effectually accomplish the general purpose of the instrument, without regard to and free from any specific restriction, limitation or direction contained therein; provided, however, that no such order shall be made without the consent of the donor or grantor of the property, if he be living. [*As amended by L.* 1909, *ch.* 144, § 1.]

3. The attorney-general shall represent the beneficiaries in all such cases, and it shall be his duty to enforce such trusts by proper proceedings in the courts.

4. [Subdivision added by L. 1911, ch. 220, relates to contributions to funds for charitable or benevolent purposes.]

This section can have no retroactive force and does not apply to a case where the property had, by the death of the testator, vested before the statute went into effect (Butler *v.* Trustees, 92 Hun, 96; People *v.* Powers, 147 N. Y. 109; Simmons *v.* Burrell, 8 Misc. Rep. 395).

§ 13. Certain educational and other charitable uses authorized. 1. Personal property may be granted, bequeathed, and conveyed to any incorporated college or other literary incorporated institution in this state, to be held in trust for any one or more of the following purposes:

(1). To establish and maintain an observatory;

(2). To found and maintain professorships and scholarships;

(3). To provide and keep in repair a place for the burial of the dead; or

(4). For any other specific purposes comprehended in the general objects authorized by their respective charters.

The said trusts may be created, subject to such conditions and visitations as may be prescribed by the grantor or donor, and agreed to by said trustees, and all property which shall hereafter be granted to any incorporated college or other literary incorporated institution in trust for any of the aforesaid purposes, may be held by such college or institution upon such trusts, and subject to such conditions and visitations as may be prescribed and agreed to as aforesaid.

2. Personal estate may be granted, bequeathed, and conveyed to the corporation of any city or village of this state, to be held in trust for any purpose of education, or the diffusion of knowledge, or for the relief of distress, or for parks, gardens, or other ornamental grounds, or grounds for the purposes of military parades and exercise, or health and recreation, within or near such incorporated city or village, upon such conditions as may be prescribed by the grantor or donor, and agreed to by such corporation.

3. Personal estate may be granted, or bequeathed to commissioners of common schools of any town, and to trustees of any school district, in trust for the benefit of the common schools of such town, or for the benefit of the schools of such district.

4. The trusts authorized by this section may continue for such time as may be necessary to accomplish the purposes for which they may be created.

See also general municipal law, §§ 140–146.

The acts of 1840 and 1841 authorizing charitable and educational corporations to take property in trust without any expressed limit, are not to be construed as extending the capacity to take (if) by their charters (they are) limited to a fixed sum (Chamberlain *v.* Chamberlain, 43 N. Y. 425).

§ 14. Certain gifts for charitable and educational uses regulated. 1. Any person desiring, in his lifetime, to promote the public welfare by founding, endowing and having maintained a public library, museum or other educational institutions, or a chapel and crematory, within this state, may to that end and for such purposes by grant, in writing, convey to a trustee, or any number of trustees, named in such grant, and to their successors, any personal property belonging to such person. . . .

3. Grants and Devises Authorized

Real Property Law (*L.* 1909, *ch.* 52)

§ 113. Grants and devises of real property for charitable purposes. 1. No gift, grant, or devise to religious, educational, charitable or benevolent uses, which shall in other respects be valid under the laws of this state, shall be deemed invalid by reason of the indefiniteness or uncertainty of the persons designated as the beneficiaries thereunder in the instrument creating the same. If in the instrument creating such a gift, grant, or devise there is a trustee named to execute the same, the legal title to the lands or property given, granted, or devised for such purposes shall vest in such trustee. If no person be named as trustee then the title to such lands or property shall vest in the supreme court.

2. The supreme court shall have control over gifts, grants and devises in all cases provided for by subdivision one of this section, and whenever it shall appear to the court that circumstances have so changed since the execution of an instrument containing a gift, grant or devise to religious, educational, charitable or benevolent uses as to render impracticable or impossible a literal compliance with the terms of such instrument, the court may, upon the application of the trustee or of the person or corporation having the custody of the property, and upon such notice as the court shall direct, make an order directing that such gift, grant or devise shall be administered or expended in such manner as in the judgment of the court will most effectually accomplish the general purpose of the instrument, without regard to and free from any specific restriction, limitation or direction contained therein; provided, however, that no such order shall be made with-

out the consent of the donor or grantor of the property, if he be living. [*As amended by L.* 1909, *ch.* 144, § 2.]

3. The attorney-general shall represent the beneficiaries in all such cases, and it shall be his duty to enforce such trusts by proper proceedings in the courts.

This section can have no retroactive force and does not apply to a case where the property had, by the death of the testator, vested before the statute went into effect (Butler *v.* Trustees, 92 Hun, 96; People *v.* Powers, 147 N. Y. 109; Simmons *v.* Burrell, 8 Misc. Rep. 395).

Real Property Law

§ 114. Certain educational and other charitable uses authorized. 1. Real property may be granted, devised, and conveyed to any incorporated college or other literary incorporated institution in this state, to be held in trust for any one or more of the following purposes:

(1) To establish and maintain an observatory;

(2) To found and maintain professorships and scholarships;

(3) To provide and keep in repair a place for the burial of the dead; or

(4) For any other specific purposes comprehended in the general objects authorized by their respective charters.

The said trusts may be created, subject to such conditions and visitations as may be prescribed by the grantor or donor, and agreed to by said trustee, and all property which shall hereafter be granted to any incorporated college or other literary incorporated institution in trust for any of the aforesaid purposes, may be held by such college or institution upon such trusts, and subject to such conditions and visitations as may be prescribed and agreed to as aforesaid.

2. Real estate may be granted, devised, and conveyed to the corporation of any city or village of this state, to be held in trust for any purpose of education, or the diffusion of knowledge, or for the relief of distress, or for parks, gardens, or other ornamental grounds, or grounds for the purposes of military parades and exercise, or health and recreation, within or near such incorporated city or village, upon such conditions as may be prescribed by the grantor or donor, and agreed to by such corporation; and all real estate so granted or conveyed to such corporation may be held by the same, subject to such conditions as may be prescribed and agreed to as aforesaid.

3. Real estate may be granted or devised, to commissioners of

common schools of any town, and to trustees of any school district, in trust for the benefit of the common schools of such town, or for the benefit of the schools of such district.

4. The trusts authorized by this section may continue for such time as may be necessary to accomplish the purposes for which they may be created.

See also general municipal law, §§ 140–146.
The acts of 1840 and 1841 authorizing charitable and educational corporations to take property in trust without any expressed limit, are not to be construed as extending the capacity to take [if] by their charters [they are] limited to a fixed sum (Chamberlain *v.* Chamberlain, 43 N. Y. 425).

§ 115. Certain grants for charitable uses regulated. Any person desiring, in his lifetime, to promote the public welfare by founding, endowing and having maintained a public library, museum or other educational institutions, or a chapel and crematory within this state, may to that end and for such purposes by grant, in writing, convey to a trustee, or any number of trustees, named in such grant and to their successors, any real property, belonging to such person, and situated or being within this state. . .

4. Accumulation for Use of Educational Corporations

Personal Property Law (*L.* 1909, *ch.* 45)

§ 16. Validity of directions for accumulation of income. An accumulation of the income of personal property, directed by any instrument sufficient in law to pass such property is valid:

1. If directed to commence from the date of the instrument, or the death of the person executing the same, and to be made for the benefit of one or more minors, then in being, or in being at such death, and to terminate at or before the expiration of their minority.

2. If directed to commence at any period subsequent to the date of the instrument or subsequent to the death of the person executing it, and directed to commence within the time allowed for the suspension of the absolute ownership of personal property, and at some time during the minority of the persons for whose benefit it is intended, and to terminate at or before the expiration of their minority.

3. All other directions for the accumulation of the income of personal property, not authorized by statute, are void. In either case mentioned in subdivisions one and two of this section a direction for any such accumulation for a longer term than the minority of the persons intended to be benefited thereby, has the same effect as if limited to the minority of such persons, and is void as respects the time beyond such minority.

Provided that, the income arising from any personal property granted or conveyed, or bequeathed, in trust to any incorporated college or other incorporated literary institution, for any of the purposes specified in section thirteen of this chapter, or for the purpose of providing for the maintenance of any teacher in a grammar school or institute, may be permitted to accumulate until the same shall amount to a sum sufficient, in the opinion of the regents of the university, to carry into effect any of the charitable uses and trusts mentioned in either section thirteen of this chapter or in this paragraph of this section.

Provided, if any of the principal of any trust fund actually received by any incorporated college, or other incorporated literary institution, or by the corporation of any city or village, or by the commissioners of common schools of any town, or by the trustees of any school district, under any grant, conveyance, or bequest, for any of the purposes for which trusts are authorized under section thirteen of this chapter, shall subsequently become diminished from any cause, such diminution may be made up by the accumulation of the interest or income of the principal of such trust fund, in accordance with the directions, if any, contained in the grant, conveyance, or bequest of such trust fund; and if no directions for that purpose are contained in such grant, conveyance, or bequest, then such diminution may be made up in whole or in part by such accumulation, in the discretion of the trustees of such fund; but in no case shall such accumulation be allowed to increase the trust fund beyond the true amount or value thereof, actually received by the trustees, to be estimated after the deduction of all liens and incumbrances on such trust fund, and of all expenses incurred or paid by the trustees in the collection or obtaining the possession of the same.

Provided, further, that where a gift, grant, devise or bequest of real and personal property, or of personal property alone, is made in trust by the owner thereof to a religious, educational,

charitable or benevolent corporation, for any of the purposes specified or comprehended in its charter, not more than one-fourth of the total value of such gift, grant, devise or bequest of real and personal property, or of personal property alone, not exceeding in value the sum of fifty thousand dollars, may be set apart for the accumulation of the rents and profits, and income, of such property, for the benefit of such corporation, until such time as such accumulation shall amount to the sum of one hundred thousand dollars, whereupon such accumulation shall be available for the use of such corporation, as a part of the permanent endowment fund thereof, or otherwise as provided in the conditions of the gift, grant, devise or bequest to such corporation. [*Amended by L.* 1915, *ch.* 670, *in effect May* 22, 1915.]

Real Property Law (L. 1909, ch. 52)

§ 61. Accumulations. All directions for the accumulation of the rents and profits of real property, except such as are allowed by statute, shall be void. An accumulation of rents and profits of real property, for the benefit of one or more persons may be directed by any will or deed sufficient to pass real property, as follows:

1. If such accumulation be directed to commence on the creation of the estate out of which the rents and profits are to arise, it must be made for the benefit of one or more minors then in being, and terminate at or before the expiration of their minority.

2. If such accumulation be directed to commence at any time subsequent to the creation of the estate out of which the rents and profits are to arise, it must commence within the time permitted, by the provisions of this article, for the vesting of future estates, and during the minority of the beneficiaries, and shall terminate at or before the expiration of such minority.

3. If in either case, hereinbefore provided for, such direction be for a longer term than during the minority of the beneficiaries, it shall be void only as to the time beyond such minority.

Provided, that the income arising from any real property granted, conveyed, or devised in trust to any incorporated college or other incorporated literary institution for any of the purposes specified in section one hundred and fourteen of this chapter, or for the purposes of providing for the support of any teacher in a grammar school or institute, may be permitted to accumulate until the same shall amount to a sum sufficient, in

the opinion of the regents of the university, to carry into effect any of the charitable uses and trusts mentioned either in section one hundred and fourteen of this chapter or in this paragraph of this section.

Provided, if any of the principal of any trust fund actually received by any incorporated college or other incorporated literary institution, or by the corporation of any city or village, or by the commissioners of common schools of any town, or by the trustees of any school district, under any grant, conveyance, or devise, for any of the purposes for which trusts are authorized under section one hundred and fourteen of this chapter, shall subsequently become diminished from any cause, such diminution may be made up by the accumulation of the interest or income of the principal of such trust fund, in accordance with the directions, if any contained in the grant, conveyance or devise of any such trust fund; and if no directions for that purpose are contained in such grant, conveyance or devise, then such diminution may be made up in whole or in part by such accumulation, in the discretion of the trustees of such trust fund; but in no case shall such accumulation be allowed to increase the trust fund, beyond the true amount or value thereof, actually received by the trustees, to be estimated after the deduction of all liens and incumbrances on such trust fund, and of all expenses incurred or paid by the trustees in the collection or obtaining the possession of the same.

Provided further, that where a gift, grant, devise or bequest of real and personal property, or of real property alone, is made in trust by the owner thereof to a religious, educational, charitable or benevolent corporation, for any of the purposes specified or comprehended in its charter, not more than one-fourth of the total value of such gift, grant, devise or bequest of real and personal property, or of real property alone, not exceeding in value the sum of fifty thousand dollars, may be set apart for the accumulation of the rents and profits, and income, of such property, for the benefit of such corporation, until such time as such accumulation shall amount to the sum of one hundred thousand dollars, whereupon such accumulation shall be available for the use of such corporation, as a part of the permanent endowment fund thereof, or otherwise as provided in the conditions of the gift, grant, devise or bequest to such corporation. [*Amended by L.* 1915, *ch.* 670, *in effect May* 22, 1915.]

5. Transfer Tax on Devises and Bequests

Tax Law (*L.* 1909, *ch.* 62)

§ 221. Exceptions and limitations. Any property devised or bequeathed for religious ceremonies, observances or commemorative services of or for the deceased donor, or to any person who is a bishop or to any religious, educational, charitable, missionary, benevolent, hospital or infirmary corporation, wherever incorporated, including corporations, organized exclusively for bible or tract purposes and corporations organized for the enforcement of laws relating to children or animals, shall be exempted from and not subject to the provisions of this article. There shall also be exempted from and not subject to the provisions of this article personal property other than money or securities bequeathed to a corporation or associations wherever incorporated or located, organized exclusively for the moral or mental improvement of men or women or for scientific, literary, library, patriotic, cemetery or historical purposes or for two or more of such purposes and used exclusively for carrying out one or more of such purposes. But no such corporation or association shall be entitled to such exemption if any officer, member or employee thereof shall receive or may be lawfully entitled to receive any pecuniary profit from the operations thereof except reasonable compensation for services in effecting one or more of such purposes or as proper beneficiaries of its strictly charitable purposes; or if the organization thereof for any such avowed purpose be a guise or pretense for directly or indirectly making any other pecuniary profit for such corporation or association or for any of its members or employees or if it be not in good faith organized or conducted exclusively for one or more of such purposes. There shall also be exempted from and not subject to the provisions of this article all property or any beneficial interest therein so transferred to any father, mother, husband, wife, widow or child of the decedent, grantor, donor or vendor if the amount of the transfers to such father, mother, husband, wife, widow or child is the sum of five thousand dollars or less; but if the amount so transferred to any father, mother, husband, wife, widow or child is over five thousand dollars, the excess above these amounts, respectively, shall be taxable at the rates set forth in the next section. [*Amended by L.* 1911, *ch.* 732; *L.* 1912, *ch.* 206; *L.* 1913, *ch.* 356; *L.* 1913, *ch.* 795, *and L.* 1916, *ch.* 548, *in effect May* 15, 1916.]

III. LIBRARIES AND STATE MUSEUM

Insanity Law (*L.* 1909, *ch.* 32)

§ 51. . . Libraries may be furnished to any state hospital by the regents of the university of the state of New York, subject to regulations adopted by them and the commission, the expense of which shall be included in the quarterly estimates of the hospitals. . . [*Amended by L.* 1911, *ch.* 768.]

General Municipal Law (*L.* 1909, *ch.* 29)

§ 79. Free public libraries. Any municipal corporation may establish and maintain a free public library or museum in accordance with the library provisions of sections ten hundred and twenty-seven to ten hundred and forty-four, both inclusive, of education law.

See also education law, (L. 1910, ch. 140) art. 44 and also § 493.

Indian Law (*L.* 1909, *ch.* 31)

§ 27. The university of the state of New York, which was duly elected to the office of wampum-keeper by the Onondaga nation on February twenty-sixth, eighteen hundred and ninety-eight, and which by unanimous action of its regents on March twenty-second, eighteen hundred and ninety-eight, accepted such election as authorized to do by law, and which accepted the custody of the wampums as formally transferred to the chancellor as part of the exercises and with the unanimous approval, both of the election and transfer, by the council of the Five Nations held in the senate chamber of the capitol at Albany on June twenty-second, eighteen hundred and ninety-eight, by duly chosen representatives of all the original nations of the Ho-de-no-sau-nee, shall hereafter be recognized in all courts and places, as having every power which has ever, at any time, been exercised by any wampum-keeper of the Onondaga nation, or of any of the Ho-de-no-sau-nee, otherwise known as the Five Nations, or the Six Nations, or the Iroquois, and shall keep such wampums in a fireproof building, as public records, forever, and is hereby authorized to secure by purchase, suit, or otherwise, any wampums which have ever been in the possession of any of the Ho-de-no-sau-nee, or any preceding wampum-keeper, and which are now owned by any of them or to which any of them is entitled, or to which it is entitled, in law or in equity; and to maintain and carry on suit to recover any of such wampums in its own name or in the name of the Onondaga nation at any time notwithstanding that the

cause of action may have accrued more than six years, or any time, before the commencement of any such suit.

The provisions of this section shall not apply to the subject matter of any litigation pending on March twenty-seventh, eighteen hundred and ninety-nine, in any court of this state.

Conservation Law (*L.* 1911, *ch.* 647)

§ 159. License to collect or possess for propagation, scientific or exhibition purposes. 1. The commission may issue a license revocable at its pleasure to any person, permitting the holder to collect or possess fish, aquatic animals, quadrupeds, birds, birds' nests or eggs for propagation, scientific or exhibition purposes. Before such license is issued, every applicant, except a game protector, duly chartered museum or society incorporated for scientific or public exhibition purposes, or an officer thereof, must file written testimonials from two well known scientific men; pay one dollar for the license and file a bond in the penal sum of two hundred dollars with two responsible sureties, to be approved by the commission, conditioned that he will not violate the provisions of this article or avail himself of the privileges of said license for purposes not herein set forth.

2. The commission may also issue a license revocable at pleasure to any person, permitting such person to possess any species of fish, game birds, aquatic animals or quadrupeds, protected by this chapter, for propagation purposes, upon payment of a license fee of one dollar. The commission may, in its discretion, require a bond from such person, in such sum as the commission may determine, conditioned that he will not avail himself of the privileges of said license for purposes not herein set forth.

The commission may issue permits to enable persons to ship fish, aquatic animals, game and quadrupeds lawfully taken and possessed for propagation, scientific or educational purposes, under such regulations as the commission may prescribe.

Fish, aquatic animals, quadrupeds and game lawfully possessed under this section may be sold at any time, by any person receiving a license under this section for propagation, scientific, educational or exhibition purposes only.

Persons receiving a license under this section must report the result of operation thereunder annually to the commission, at the expiration of the license. Such license shall be in force for one year only from the date of issue and shall not be transferable. [*Amended by L.* 1912, *ch.* 318, *L.* 1913, *ch.* 508, *and L.* 1914, *ch.* 92.]

APPENDIX C

PRACTICE OF PROFESSIONS

I. Practice of law
II. Practice of medicine
III. Dental societies and the practice of dentistry
IV. Veterinary medicine and surgery
V. Pharmacy
VI. Registration of nurses
VII. Chiropody
VIII. Optometry
IX. Certified public accountants
X. Certified shorthand reporters
XI. Registered architects

I. PRACTICE OF LAW

Judiciary Law (*L.* 1909, *ch.* 35) *art.* 15

Section 460. Examination and admission of attorneys.
461. State board of law examiners continued.
462. Times and places of examinations.
463. Certification by state board of successful candidates.
464. Annual account by state board of law examiners.
465. Fee for examinations.
466. Attorney's oath of office.
467. Race or sex no bar to admission to practice.
468. Registration of attorneys before beginning to practice.
469. Official register of attorneys to be kept by clerk of court of appeals.
470. Attorneys having offices in this state may reside in adjoining state.
471. Attorney who is judge's partner or clerk prohibited from practicing before him or in his court.
472. Attorney who is surrogate's father or son prohibited from practicing before him.
473. Sheriffs, constables, coroners, criers and attendants prohibited from practicing during term of office.
474. Compensation of attorney or counsellor.
475. Attorney's lien in action or special proceeding.
476. Suspension of attorney from practice must be on notice.

Section 477. Attorney convicted of felony shall cease to be attorney.
478. Suspension or removal of attorney effective in all courts.
479. Action against attorney for lending his name in suits and against person using name.

§ 460. Examination and admission of attorneys. A citizen of the state, of full age, applying to be admitted to practice as an attorney or counsellor in the courts of record of the state, must be examined and licensed to practice as prescribed in this chapter.

§ 461. State board of law examiners continued. The state board of law examiners is continued. Said board shall consist of three members of the bar, of at least ten years' standing, who shall be appointed, from time to time, by the court of appeals, and shall hold office, as a member of such board for a term of three years, and until the appointment of his successor.

§ 462. Times and places of examinations. There shall be examinations of all persons applying for admission to practice as attorneys and counsellors-at-law at least twice in each year in each judicial department, and at such other times and places as the court of appeals may direct.

§ 463. Certification by state board of successful candidates. The state board of law examiners shall certify to the appellate division of the supreme court of the department in which each candidate has resided for the past six months every person who shall pass the examination, provided such person shall have in other respects complied with the rules regulating admission to practice as attorneys and counsellors, which fact shall be determined by said board before examination.

§ 464. Annual account by state board of law examiners. The state board of law examiners shall render during the month of January, an annual account of all their receipts and disbursements to the court of appeals.

§ 465. Fee for examinations. Every person applying for examination for admission to practice as an attorney and counsellor-at-law shall pay such fee, not to exceed fifteen dollars, as may be fixed by the court of appeals as necessary to cover the cost of such examination. On payment of one examination fee

the applicant shall be entitled to the privilege of not exceeding three examinations.

§ 466. Attorney's oath of office. Each person, admitted as prescribed in this chapter must, upon his admission, take the constitutional oath of office in open court, and subscribe the same in a roll or book, to be kept in the office of the clerk of the appellate division of the supreme court for that purpose.

§ 467. Race or sex no bar to admission to practice. Race or sex shall constitute no cause for refusing any person examination or admission to practice.

§ 468. Registration of attorneys before beginning to practice. Every person who is hereafter duly licensed and admitted to practice as an attorney and counsellor-at-law in the courts of record of this state by an appellate division of the supreme court, shall subscribe and take and file an oath or affirmation which must be substantially in the following form, the blanks being properly filled before he begins or is entitled to begin to practice for another as an attorney and counsellor-at-law in the courts of this state or in any court in the county of New York or in the county of Kings:

State of New York }
..... County, } ss.:

I, ..., being duly sworn (or affirmed) do depose and say that I am a natural born citizen of the United States (if naturalized, state when and where) and now reside at ..... (or, if a resident of an adjoining state and admitted to practice in the courts of record of this state and whose office for the transaction of law business is within this state, state the fact), that I was duly and regularly licensed and admitted to practice as an attorney-at-law or as an attorney and counsellor-at-law in the courts of record of this state at the ..... term, 18...., of the general term (or appellate division) of the supreme court (or other court as the case may be) held at ..... and that I took the constitutional oath of office.

Subscribed and sworn to before me,
this....day of....., 189....

which oath or affirmation shall be filed in the office of the clerk of the court of appeals by the person making the same, provided, nevertheless, that such affidavit or affirmation may state that the

deponent or affirmant believes that he took the constitutional oath of office in lieu of stating unqualifiedly that he did so, where the affidavit or affirmation states, or in substance shows, the deponent's or affirmant's lack of positive or certain recollection of having taken such oath, or shows other substantial reason for thus qualifying the affidavit or affirmation on that subject.

If any attorney or counsellor-at-law or solicitor in chancery or attorney of or in the supreme court on the first Monday of July, eighteen hundred and forty-seven, who was entitled to file the said oath or affirmation under the provisions of laws of eighteen hundred and ninety-eight, chapter one hundred sixty-five, as amended, before July first, eighteen hundred and ninety-nine, has failed to do so, the special term of the supreme court of the judicial district where such attorney-at-law or attorney or counsellor-at-law resides, may, upon proof by affidavit showing reasonable grounds therefor, grant an order permitting the applicant to make and file the oath or affirmation required herein, with the same effect as if the same had been made and filed within the time above stated, and relieving him from penalties and prosecutions by reason of failure to make and file such oath or affirmation within the time required.

Every person filing with the clerk of the court of appeals the oath or affirmation hereinbefore provided shall pay to the said clerk at the time of such filing the sum of twenty-five cents to defray the necessary disbursements incurred by him in carrying out the provisions of this article.

A person who practices any fraud or deceit or knowingly makes any false statement in the oath or affirmation in and by this section required to be made and filed is guilty of felony.

§ 469. Official register of attorneys to be kept by clerk of court of appeals. It shall be the duty of the clerk of the court of appeals to file in his office the said oaths or affirmations aforesaid, and to compile the statements contained therein, and to enter therefrom in a bound book or volume to be kept by him for that purpose, which shall be known and designated as and is hereby made the "official register of attorneys and counsellors-at-law in the state of New York," in the alphabetical order of the first letter of their surnames, the names and residences and the title of the court and the time and place where admitted, and the date the oath or affirmation aforesaid was filed, of all persons who

have filed in his said office the oath or affirmation as aforesaid, which said "official register of attorneys and counsellors-at-law in the state of New York," is hereby declared to be a public record and presumptive evidence that the individuals therein named are duly registered to practice as attorneys and counsellors-at-law in the courts of record of this state or in any court in the counties of New York and Kings.

§ 470. Attorneys having offices in this state may reside in adjoining state. A person, regularly admitted to practice as an attorney and counsellor, in the courts of record of the state, whose office for the transaction of law business is within the state, may practice as such attorney or counsellor, although he resides in an adjoining state.

§ 471. Attorney who is judge's partner or clerk prohibited from practicing before him or in his court. The law partner or clerk of a judge shall not practice before him, as attorney or counsellor in any cause, or be employed in any cause which originated before him. A law partner of, or person connected in law business with a judge, shall not practice or act as an attorney or counsellor, in a court, of which the judge is, or is entitled to act as a member, or in a cause originating in that court; except where the latter is a member of a court, ex-officio, and does not officiate or take part, as a member of that court, in any of the proceedings therein.

§ 472. Attorney who is surrogate's father or son prohibited from practicing before him. A surrogate's father or son shall not practice or be employed as attorney or counsel, in any case, in which his partner or clerk is prohibited by law from so practicing, or being employed.

§ 473. Sheriffs, constables, coroners, criers and attendants prohibited from practicing during term of office. A sheriff, under sheriff, deputy-sheriff, sheriff's clerk, constable, coroner, crier, or attendant of a court, shall not, during his continuance in office, practice as an attorney or counsellor in any court.

§ 474. Compensation of attorney or counsellor. The compensation of an attorney or counsellor for his services is governed by agreement, express or implied, which is not restrained by law, except that no agreement made hereafter between an attorney and a guardian of an infant for the compensation of such attorney, dependent upon the success of the prosecution by said

attorney of a claim belonging to said infant, or by which such attorney is to receive a percentage of any recovery or award in behalf of such infant or a sum equal to a percentage of any such recovery or award, shall be valid or enforceable unless made as hereinafter provided. An attorney may contract with the guardian of an infant to prosecute, by suit or otherwise, any claim for the benefit of an infant for a compensation to said attorney dependent upon the success in the prosecution of such claim, subject to the power of the court, as hereinafter provided, to fix the amount of such compensation. Whenever such a contract shall have been entered into between an attorney and a guardian of an infant, upon the recovery of a judgment, or the obtaining of an award in behalf of the said infant, or upon any compromise or settlement of such claim, the attorney may apply, upon notice to the guardian, to the judge or justice before whom the said action or proceeding was tried, in case the said action or proceeding was tried at a court held within this state; or to a special term of said court, in case the said action or proceeding was tried before some person other than a justice thereof, or said claim was compromised or settled after said suit was begun, or in case of the death or disability of the judge or justice before whom the action was tried; or to a special term of the supreme court in case the recovery, award, compromise or settlement was not had in any court of this state; such application shall set forth briefly the contract, the services performed by the attorney and pray that there be awarded to him a suitable amount out of the recovery, award, compromise or settlement obtained through his efforts as attorney on behalf of the infant; the court to which such application is made, upon being satisfied that due notice of the said application has been given to the said guardian, shall proceed summarily to determine the value of the services of said attorney, taking such proof from either the attorney or the guardian by affidavit, reference or the examination of witnesses before the said court, as to the said court may seem to be necessary and proper, and shall thereupon make an order determining the suitable compensation for the attorney for his services therein, which sum shall thereafter be received by the said attorney for his services in behalf of the said infant; and no other compensation shall be paid or allowed by the guardian for such services out of the estate of said infant. If a copy of such order awarding the compensation with notice of entry be thereafter

served by the said attorney upon the adverse party to the said litigation or the person making such compromise or settlement and upon the custodian of the funds recovered, in case there be such custodian, such award shall become and constitute a lien to the amount thereof on behalf of the said attorney upon such recovery, award, settlement or fund. [*Amended by L.* 1912, *ch.* 229, *in effect September* 1, 1912.]

§ 475. Attorney's lien in action or special proceeding. From the commencement of an action or special proceeding, or the service of an answer containing a counterclaim, the attorney who appears for a party has a lien upon his client's cause of action, claim or counterclaim, which attaches to a verdict, report, decision, judgment or final order in his client's favor, and the proceeds thereof in whosoever hands they may come; and the lien can not be affected by any settlement between the parties before or after judgment or final order. The court upon the petition of the client or attorney may determine and enforce the lien.

§ 476. Suspension of attorney from practice must be on notice. Before an attorney or counsellor-at-law is suspended or removed as prescribed in section eighty-eight of this chapter, a copy of the charges against him must be delivered to him personally or, in case it is established to the satisfaction of the presiding justice of the appellate division of the supreme court to which the charges have been presented, that he can not be served within the state, the same may be served upon him without the state by mail or otherwise as the said presiding justice may direct, and he must be allowed an opportunity of being heard in his defense. It shall be the duty of any district attorney within a department, when so designated by the presiding justice of the appellate division of the supreme court, to prosecute all proceedings for the removal or suspension of attorneys and counsellors at law or the said presiding justice may, in a county wholly included within a city, appoint an attorney and counsellor at law, designated by a duly incorporated bar association approved by him, to prosecute any such proceedings and, upon the termination of the proceedings, may fix the compensation to be paid to such attorney and counsellor at law for the services rendered under such designation, which compensation shall be a charge against the county specified in his certificate and shall be paid thereon. [*Amended by L.* 1915, *ch.* 475, *in effect May* 3, 1915.]

§ 477. Attorney convicted of felony shall cease to be attorney. Any person being an attorney and counsellor-at-law who shall be convicted of a felony, shall, upon such conviction, cease to be an attorney and counsellor-at-law, or to be competent to practice law as such.

§ 478. Suspension or removal of attorney effective in all courts. The suspension or removal of an attorney or counsellor, by the supreme court, operates as a suspension or removal in every court of the state.

§ 479. Action against attorney for lending his name in suits and against person using name. If an attorney knowingly permits a person not being his general law partner, or a clerk in his office, to sue out a mandate, or to prosecute or defend an action in his name, he, and the person who so uses his name, each forfeits to the party against whom the mandate has been sued out, or the action prosecuted or defended, the sum of fifty dollars, to be recovered in an action.

Court of Appeals Orders, May 14, 1900

Alton B. Parker, Chief Judge

1. *It is ordered,* That applicants for examination for admission to the bar are to be deemed graduates of colleges or universities, within the meaning and intent of the rules for the admission of attorneys and counsellors-at-law, when they have successfully completed a course of college instruction that requires as a condition of graduation at least six full years in liberal arts and sciences in advance of a completed eight year elementary course.

2. *It is further ordered,* That the university of the state of New York may issue law student certificates upon substantial equivalents and substitutes, to be defined by the rules of the university, in all cases not provided for by the rules for the admission of attorneys and counsellors-at-law now in force.

Rules of the Court of Appeals for the admission of attorneys and counsellors-at-law

As amended May 17, 1911, *to take effect July* 1, 1911

I. Admission. No person shall be admitted to practice as an attorney or counsellor in any court of record of the state except upon an order of the appellate division of the supreme court admitting him to the bar and licensing him to practice upon compliance with these rules.

II. Admission without examination. The following classes of persons may in the discretion of the appellate division be admitted and licensed without examination:

1. Any person admitted to practice and who has practiced five years as a member of the bar in the highest law court in any other state or territory of the American Union or in the District of Columbia.

2. Any person admitted to practice and who has practiced five years in another country whose jurisprudence is based on the principles of the English common law.

3. Any American citizen domiciled in a foreign country whose jurisprudence is based on the principles of the English common law holding a diploma or degree which would entitle him to practice law in the courts of such foreign country if a citizen thereof.

Any person admitted under this rule must possess the other qualifications required by these rules and must produce a letter of recommendation from one of the judges of the highest law court of such other state or country, or furnish other satisfactory evidence of character and qualifications.

An attorney and counsellor from another state or foreign jurisdiction may in the discretion of any court of record be admitted pro hac vice to participate in the trial or argument of any cause in which he may be employed.

III. Admission on examination. Three classes of persons may be admitted to the bar upon examination:

1. Persons who are not graduates of a college or university;

2. Persons who are graduates of a college or university; and

3. Persons who have been admitted as attorneys and have practiced three years in another state or country.

In each class the applicant must prove by his own affidavit to the satisfaction of the state board of law examiners that he is a citizen of the United States, twenty-one years of age, stating his age, and an actual and not a constructive resident of the state for not less than six months immediately preceding and that he has not been examined for admission to practice and been refused admission within four months, and that he has studied law in the manner and according to the conditions in these rules prescribed.

Applicants in the first class (i. e., persons who are not graduates of a college or university) must have studied law for a period of four years. Such an applicant may pursue his course of law study wholly by serving a clerkship in the office of a practicing attorney; or partly by serving such clerkship and partly by attending a law school; but every such applicant must serve such clerkship for a

period of at least one year continuously either before examination by the state board of law examiners or after such examination and prior to admission to the bar.

Applicants in the second class (i. e., persons who are graduates of a college or university) must have studied law for a period of three years. Such an applicant may pursue his course of law study wholly by serving a clerkship in the office of a practicing attorney; or wholly by attending a law school; or partly by serving such clerkship and partly by attending a law school.

Applicants in the third class (i. e., persons who have been admitted as attorneys and have practiced three years in another state or country) must have studied law for a period of one year within this state and pursue such course of study either by serving a clerkship or by attendance upon a law school as the applicant may elect.

Candidates for admission to the bar under this rule (i. e., upon examination) may be admitted and licensed upon producing and filing with the court the certificate of the state board of law examiners that the applicant has satisfactorily passed the examination prescribed by these rules and has complied with their provisions, and upon producing and filing with the court, in the case of applicants in the first class (i. e., persons who are not graduates of a college or university), evidence that he has served a regular clerkship of one year in this state with an attorney or attorneys in regular practice, either before or after having passed such examination. The applicant must also produce and file evidence that he is a person of good moral character which must be shown by the affidavits of two reputable persons of the town or city in which he resides, one of whom must be a practicing attorney of the supreme court. Such affidavits must state that the applicant is, to the knowledge of the affiant, a person of good moral character, and must set forth in detail the facts upon which such knowledge is based; but such affidavits shall not be conclusive and the court may make further examination and inquiry.

If the applicant be a graduate of a college, or university, he must have pursued the prescribed course of law study after his graduation, provided however, if such graduate of a college or university has pursued the first year of his law study in an approved law school, and said year of study was prerequisite for his graduation from such college or university then such year of law school study, if successfully completed, shall be deemed to be and shall be accepted as a part of said prescribed course of law study; and, if the applicant be a person admitted to the bar of another state or country, he must have pursued his prescribed period of law study

after having remained as a practicing attorney in such other state or country for the period of three years.

IV. Regulations concerning preliminary studies. All candidates for admission to the bar upon examination, except applicants in the third class mentioned in rule III (i. e., persons who have been admitted and have practiced three years in another state or country), must have pursued a preliminary course of study evidenced by graduation from a college or university, or by passing a regents' examination or the equivalent, as hereinafter prescribed:

Applicants who are not graduates of a college, or university, subject to the limitations and requirements hereinafter, in this subdivision, expressed, or members of the bar as above described, before entering upon the clerkship or attendance at a law school herein prescribed shall have passed an examination conducted under the authority and in accordance with the ordinances and rules of the University of the State of New York, in English, three years; mathematics, two years; Latin, two years; science, one year; history, two years; or in their substantial equivalents as defined by the rules of the university, and shall have filed a certificate of such fact, signed by the commissioner of education, with the clerk of the court of appeals, whose duty it shall be to return to the person named therein a certified copy of the same, showing the date of such filing. The regents may accept as the equivalent of and substitute for the examination in this rule prescribed, either, first, a certificate, properly authenticated, of having successfully completed a full year's course of study in any college, or university; second, a certificate, properly authenticated, of having satisfactorily completed a four years' course of study in any institution registered by the regents as maintaining a satisfactory academic standard; or, third, a regents' diploma.

All graduates of a college or university existing under the government or laws of any foreign country other than those where English is the language of the people, and all applicants who apply for law students' certificates upon equivalents or substitutes, as above provided, all or any part of which are earned or issued in said foreign countries, shall pass the regents' examination in second year English. The regents' certificate above prescribed shall be deemed to take effect as of the date of the completion of the regents' examination, as the same shall appear upon said certificate.

V. Regulations concerning study at law schools. The provisions of these rules for study at a law school must be fulfilled by good and regular attendance and successfully com-

pleting the prescribed course of instruction at an incorporated law school, or a law school connected with an incorporated college or university, having a law department organized with competent instructors and professors, in which instruction as hereinafter provided is regularly given.

Good and regular attendance upon and the successful completion of the prescribed course of instruction at a law school, the school year of which shall consist of not less than thirty-two school weeks, exclusive of vacations, in which not less than ten hours of attendance upon law lectures or recitations of such prescribed course, to be given or conducted by regular members of the faculty, are required in each week, shall be deemed a year's attendance under this rule.

The same period of time shall not be duplicated for different purposes; except that a student attending a law school, as herein provided, and who, during the vacations of such school, not exceeding three months in any one year, shall pursue his studies in the office of a practicing attorney, shall be allowed to count the time so occupied during such vacation or vacations as part of the clerkship in a law office specified in these rules.

VI. Regulations concerning clerkship. The provisions of these rules for studying law by the service of a regular clerkship must be fulfilled by serving such clerkship in the office of a practicing attorney of the supreme court in this state, after the candidate has attained the age of eighteen years.

It shall be the duty of attorneys, with whom a clerkship shall be commenced, to file a certificate of the same in the office of the clerk of the court of appeals, which certificate shall, in each case, state the date of the beginning of the period of clerkship, and such period shall be deemed to commence at the time of such filing and shall be computed by the calendar year.

In computing the period of clerkship a vacation actually taken, not exceeding two months in each year, shall be allowed as a part of such year.

VII. Proof to entitle candidate to examination. The state board of law examiners, before admitting an applicant to an examination, shall require proof that the preliminary conditions prescribed by these rules have been fulfilled; which proof shall be made as follows, viz.:

First. That the applicant is a college graduate, by the production of his diploma, or certificate of graduation, under the seal of the college.

Second. That he has been admitted to the bar of another state or country, by the production of his license, or certificate, executed by the proper authorities.

Third. In all cases where the services of a clerkship is required, that he has served a regular clerkship in the office of a practicing attorney of the supreme court in this state, after the age of eighteen years, by producing and filing with the board a certified copy of the attorney's certificate, as filed in the office of the clerk of the court of appeals, and producing and filing an affidavit of the attorney or attorneys with whom such clerkship was served, showing the actual service of such a clerkship, the continuance and end thereof, and that not more than two months' vacation was taken in any one year. Both of said affidavits must be to the effect that during the entire period of such clerkship, except during the stated vacation time, the applicant was actually employed by said attorney as a regular law clerk and student in his law office, and under his direction and advice, engaged in the practical work of the office during the usual business hours of the day.

Fourth. The time of study allowed in a law school must be proved by the certificate of the teacher or president of the faculty, under whose instructions the person has studied, under the seal of the school, if such there be, in addition to the affidavit of the applicant, which must, also, state the age at which the applicant began his attendance at such law school. Said certificate and affidavit must, also, show that the law school prescribes the course of instruction contemplated by these rules, and each shall also contain the statement that said applicant took the prescribed course of instruction required at said school for the degree of bachelor of laws while in attendance thereat, and bona fide took and successfully passed all examinations in all the subjects required for said degree during such period of attendance, in each case specifying the subjects in which said applicant took and passed his examinations as aforesaid, which proof must be satisfactory to the board of examiners.

Fifth. That the applicant has passed the regents' examination, or its equivalent, must be proved by the production of a certified copy of the regents' certificate filed in the office of the clerk of the court of appeals, as hereinbefore provided.

Sixth. When it satisfactorily appears that any diploma, affidavit, or certificate, required to be produced has been lost, or destroyed, without the fault of the applicant, or has been unjustly refused or withheld, or by the death or absence of the person or

officer who should have made it, cannot be obtained, the board of law examiners may accept such other proof of the requisite facts as they shall deem sufficient.

Seventh. A law student whose clerkship, or attendance at a law school, has already begun, as shown by the records of the court of appeals, or of any incorporated law school, or law school established in connection with any college or university, may, at his option, file or produce, instead of the proofs required by these rules, those required by the rules of the court of appeals in force June 1, 1908.

VIII. Regulations concerning examinations. The examination held by such state board of examiners may be conducted by oral or written questions and answers, or partly oral and partly written, but shall be as nearly uniform in the knowledge and capacity which they shall require, as is reasonably possible. Every applicant shall be given and required to pass a satisfactory examination in the canons of ethics adopted by the American Bar Association and by the New York State Bar Association. An applicant who has failed to pass one examination cannot again be examined, until at least four months after such failure.

The state board of law examiners shall be paid as compensation, each, the sum of two thousand dollars per year, and, in addition, such further sum as the court may direct, and an annual sum not exceeding two thousand dollars per year shall be allowed for necessary disbursements of the board. Every applicant for examination shall pay to the examiners a fee of fifteen dollars, which shall be applied upon the compensation and allowance above provided, and any surplus thereafter remaining shall be held by the treasurer of the state board of law examiners and deposited in some bank, in good standing, in the city of Albany, to his credit and subject to his draft as such treasurer, when approved by the chief judge.

IX. Relief from excusable mistakes. When the filing of a certificate, as required by these rules, has been omitted by excusable mistake, or without fault, the court may order such filing as of the proper date.

X. Additional rules by the appellate division. The justices of the appellate division in each department may adopt for their several and respective departments such additional special rules for ascertaining the moral and general fitness of applicants as to such justices may seem proper.

[*These rules shall take effect on July* 1, 1911.]

RULES OF THE NEW YORK STATE BOARD OF LAW EXAMINERS

As amended to take effect on December 1, 1912

I.

Each applicant for examination must file with the secretary of the board, at least fifteen days before the day appointed for holding the examination at which he intends to apply, the preliminary proofs required by the "rules of the court of appeals for the admission of attorneys and counsellors-at-law," from which it must appear affirmatively and specifically that all the preliminary conditions prescribed by said rules have been fulfilled, and also proof of the residence of the applicant for six months prior to the date of the said examination, giving place, with street and number, if any, which must be made by his own affidavit. Said affidavit must also state that such residence is actual and not constructive. The board in its discretion may order additional proofs of residence to be filed, and may require an applicant to appear in person before it, or some member thereof, and be examined concerning his qualifications to be admitted to the examinations. The examination fee of fifteen dollars must be paid to the treasurer at the time the application for examination is filed.

To entitle an applicant to a re-examination, he must notify the secretary by mail of his desire therefor, at least fifteen days before the examination at which he intends to appear and file with him, at the same time, his own affidavit stating that he is and has been for the six months prior to such examination an actual and not constructive resident of this state, giving the place of such residence, and street number, if any, and that he has not been examined for admission to practice and been refused admission within four months of the examination at which he intends to apply.

II.

Each applicant must be a citizen of the state, of full age; he may be examined in any department, whether a resident thereof or not, but the fact of his having passed the examination will be certified to the appellate division of the judicial department in which he has resided for the six months prior to his examination. He must, however, entitle his papers in the department in which he resides, and must appear for examination in the department in which he entitles his papers, unless permission of the Board otherwise be granted at least fifteen days before the day appointed for holding the examination.

III.

In applying the provisions of rules three and seven of the rules of the court of appeals, "for the admission of attorneys and counsellors-at-law," the board will require proof that the college or university of which an applicant claims to be a graduate, maintains a satisfactory standard in respect to the course of studies completed by him. In case the college or university is registered with the board of regents of the state of New York as maintaining such standard, the applicant must submit to the board, with his diploma or certificate of graduation, the certificate of the said board of regents to that effect, which will be accepted by this board as prima facie evidence of the fact. Such certificate need not be filed in cases where the board of regents, by a general certificate, has certified to this board that the said college or university maintains a satisfactory college standard leading to the degree with which the applicant graduated. In all other cases the applicant must submit with his diploma or certificate of graduation satisfactory proof of the course of study completed by him and of the character of the college or university of which he claims to be a graduate.

IV.

The papers filed by each applicant must be attached together, and there must be indorsed upon them the name of the applicant. The papers must be entitled, "In the matter of the application of ..... for admission to the bar." Each applicant must state the beginning and the end of each term spent in a law school, his age when he began his attendance upon the law school, as well as the beginning and the end of each vacation that he has had.

V.

An applicant who has been admitted to the bar as an attorney in another state or country, and who has remained therein as a practicing attorney for the period of three years, may prove the latter fact by his own affidavit, and must present also a certificate from a judge of the court in which he was admitted, or from a county judge in said state, certifying that the applicant had remained in said state or country as a practicing attorney for said period of three years, after he had been admitted as an attorney therein. The signature of the judge must be certified to by the clerk of the court or by the county clerk under the seal of the court.

VI.

The board will divide the subjects of examination into two groups, as follows: Group one, pleading and practice and evi-

dence; group two, substantive law, viz.: real property, contracts, partnership, negotiable paper, principal and agent, principal and surety, insurance, bailments, sales, criminal law, torts, wills and administration, equity, corporations, domestic relations, legal ethics and the Constitutions of New York state and of the United States. The examinations will be held on two consecutive days in January, April, June and October in each year. The first day's examination will be in group I, pleading, practice and evidence, containing twenty-four questions with a time limit of five hours from 9 a. m. to 2 p. m.; the second day's examination will be in group II, substantive law, 36 questions, with a time limit of seven hours, divided into a morning session of three hours from 9 a. m. to 12 m. with sixteen questions, and an afternoon session of four hours from 1 p. m. to 5 p. m. with twenty questions. In marking, due consideration will be given to the reasoning of the answers. Each applicant will be required to obtain the requisite standard in both groups and on his entire paper to entitle him to a certificate from the board. If he obtains the required standard in either group and not on his entire paper he will receive a pass card for the group which he passes and will not be required to be re-examined therein. He will be re-examined in the group in which he failed or on the entire paper if he failed in both groups at any subsequent examination for which he is eligible four months thereafter and for which he gives notice as required by these rules.

II. PRACTICE OF MEDICINE

Public Health Law (*L.* 1909, *ch.* 49), *art.* 8

Section 160. Definitions.
161. Qualifications.
162. The state board of medical examiners.
163. Certificate of appointment; oath; powers.
164. Expenses.
165. Officers; meetings; quorum; committees.
166. Admission to examination.
167. Questions.
168. Examinations and reports.
169. Licenses.
170. Registry; revocation of license; annulment of registry.
171. Registry in another county.
172. Certificate presumptive evidence; unauthorized registration and license prohibited.

Section 173. Construction of this article.
174. Penalties and their collection.

§ 160. Definitions. As used in this article:

1. "The education department" means the education department of the state of New York as provided for by the education law.

2. "University" means university of the state of New York.

3. "Regents" means board of regents of the university of the state of New York.

4. "Board" means the board of medical examiners of the state of New York.

5. "Medical examiner" means a member of the board of medical examiners of the state of New York.

6. "Medical school" means any medical school, college or department of a university, registered by the regents as maintaining a proper medical standard and as legally incorporated.

7. The practice of medicine is defined as follows: A person practices medicine within the meaning of this article, except as hereinafter stated, who holds himself out as being able to diagnose, treat, operate or prescribe for any human disease, pain, injury, deformity or physical condition, and who shall either offer or undertake, by any means or method, to diagnose, treat, operate or prescribe for any human disease, pain, injury, deformity or physical condition.

8. "Physician" means a practitioner of medicine.

§ 161. Qualifications. No person shall practice medicine, unless registered and legally authorized prior to September first, eighteen hundred and ninety-one, or unless licensed by the regents and registered under article eight of chapter six hundred and sixty-one of the laws of eighteen hundred and ninety-three and acts amendatory thereto, or unless licensed by the regents and registered as required by this article; nor shall any person practice under this article who has ever been convicted of a felony by any court, or whose authority to practice is suspended or revoked by the regents on recommendation of the state board. The conviction of a felony shall include the conviction of any offense which if committed within the state of New York would constitute a felony under the laws thereof. If a person convicted of a felony is subsequently pardoned by the governor of the state where such conviction was had, or by the president of the United States, the regents may, in their discretion, on application of such person, and on the submission to them of satisfactory evidence,

restore to such person the right to practice medicine in this state, unless such conviction has been for misconduct in his professional capacity. [*Amended by L.* 1914, *ch.* 319.]

§ 162. The state board of medical examiners. The state board of medical examiners is continued. The members of said board now in office shall continue in office until the expiration of their respective terms. Said board shall consist of nine members who shall be appointed by the regents and who shall hold office for three years from August first of the year in which appointed. The regents shall annually appoint three members to fill the vacancies caused by expiration of term of office, and may at any time fill vacancies on the board caused by death, resignation, or removal from office. No person shall be appointed a member of the board of medical examiners who is not eligible to receive a license to practice from the regents in accordance with the provisions of this article or of chapter six hundred and sixty-one of the laws of eighteen hundred and ninety-three and acts amendatory thereof and who has not been in practice in this state for at least five years prior to date of appointment. The regents may remove any member of the board of examiners for misconduct, incapacity or neglect of duty. The regents shall appoint a secretary to the board of examiners, who shall not be a member of the board, and who shall hold office during the pleasure of the regents and who shall receive an annual compensation of four thousand dollars, payable from the fees received under this article. The secretary shall be a duly licensed physician.

§ 163. Certificate of appointment; oath; powers. Every medical examiner shall receive a certificate of appointment from the regents and before beginning his term of office shall file with the secretary of state the constitutional oath of office. The board, or any committee thereof, may employ counsel, shall have the power to compel the attendance of witnesses, and may take testimony and proofs concerning all matters within its jurisdiction. The board may, subject to the regents' approval, make all by-laws and rules not inconsistent with law needed in performing its duties; but no by-law or rule by which more than a majority vote is required for any specified action by the board shall be amended, suspended or repealed by a smaller vote than that required for action thereunder.

§ 164. Expenses. The fees derived from the operation of this article shall be paid into the state treasury, and the legislature shall annually appropriate therefrom for the education de-

partment an amount sufficient to pay all proper expenses incurred pursuant to this article.

§ 165. Officers; meetings; quorum; committees. The board shall annually elect from its members a president and a vice-president for the academic year, and shall hold one or more meetings each year pursuant to call of the regents. At any meeting a majority shall constitute a quorum; but questions prepared by the board may be grouped and edited, or answer papers of candidates may be examined and marked by committees duly authorized by the board and approved by the regents.

§ 166. Admission to examination. The regents shall admit to examination any candidate who pays a fee of twenty-five dollars and submits evidence, verified by oath, and satisfactory to the regents, that he

1. Is more than twenty-one years of age.
2. Is of good moral character.
3. Had prior to beginning the first year of medical study the general education required by the rules of the regents preliminary to receiving the degree of bachelor or doctor of medicine in this state. [*Subdivision amended by L.* 1916, *ch.* 328, *in effect April* 27, 1916.]
4. Has studied medicine not less than four school years, including four satisfactory courses of at least seven months each in four different calendar years in a medical school registered as maintaining at the time a standard satisfactory to the regents. New York medical schools and New York medical students shall not be discriminated against by the registration of any medical school out of the state whose minimum graduation standard is less than that fixed by statute for New York medical schools. The regents may, in their discretion, accept as the equivalent for any part of the third and fourth requirement, evidence of five or more years' reputable practice, provided that such substitution be specified in the license, and, as the equivalent of the first year of the fourth requirement, evidence of graduation from a registered college course, provided that such college course shall have included not less than the minimum requirements prescribed by the regents for such admission to advanced standing. The regents may also in their discretion admit conditionally to the examination in anatomy, physiology, hygiene, sanitation, and chemistry, applicants nineteen years of age certified as having studied medicine not less than two years, including two satisfactory courses of at least seven months each, in two different calendar years, in a medical school registered as maintaining at the time a satisfactory

standard, provided that such applicants meet the second and third requirements.

5. Has either received the degree of bachelor or doctor of medicine from some registered medical school, or a diploma or license conferring full right to practise medicine in some foreign country unless admitted conditionally to the examinations as specified above, in which case all qualifications, including the full period of study, the medical degree and the final examinations in surgery, obstetrics, gynecology, pathology, including bacteriology, and diagnosis must be met. The degree of bachelor or doctor of medicine shall not be conferred in this State before the candidate has filed with the institution conferring it the certificate of the regents that before beginning the first annual medical course counted toward the degree, he had earned a medical student qualifying certificate in accordance with the rules of the regents, the minimum requirement for which, for matriculates after January 1, 1917, shall be the successful completion of an approved four-year high school course or its equivalent. [*Amended by L.* 1912, *ch.* 141, *and L.* 1916, *ch.* 328, *in effect April* 27, 1916.]

6. Where the application be for a license to practice osteopathy, the applicant shall produce evidence that he has studied osteopathy not less than three years including three satisfactory courses of not less than nine months each in three different calendar years in a college of osteopathy maintaining at the time a standard satisfactory to the regents. After nineteen hundred and ten the applicant for a license to practice under this article shall produce evidence that he has studied not less than four years including four satisfactory courses of not less than seven months each in four different calendar years in a college maintaining at the time a standard satisfactory to the regents.

§ 167. Questions. The board shall submit to the regents, as required, lists of suitable questions for thorough examination in anatomy, physiology, hygiene, sanitation, chemistry, surgery, obstetrics, gynecology, pathology, including bacteriology, and diagnosis. From these lists the regents shall prepare question papers for all these subjects, which at any examination shall be the same for all candidates, except that the examination may be divided as provided in section one hundred and sixty-six.

§ 168. Examinations and reports. Examinations for licenses shall be given in at least four convenient places in this state and at least four times annually, in accordance with the regents' rules, and shall be exclusively in writing and in English.

Each examination shall be conducted by a regents' examiner who shall not be one of the medical examiners. At the close of each examination the regents' examiner in charge shall deliver the questions and answer papers to the board or its duly authorized committee, who, without unnecessary delay, shall examine and mark the answers and transmit to the regents an official report, signed by its president and secretary, stating the standing of each candidate in each branch, his general average and whether the board recommends that a license be granted. Such report shall include the questions and answers and shall be filed in the public records of the university. If a candidate fails on first examination, he may, after not less than six months' further study, have a second examination without fee. If the failure is from illness or other cause satisfactory to the regents they may waive the required six months' study.

§ 169. Licenses. On receiving from the state board an official report that an applicant has successfully passed the examinations and is recommended for license, the regents shall issue to him a license to practice according to the qualifications of the applicant. Every license shall be issued by the university under seal and shall be signed by each acting medical examiner and by the officer of the university who approved the credential which admitted the candidate to examination, and shall state that the licensee has given satisfactory evidence of fitness as to age, character, preliminary and medical education and all other matters required by law, and that after full examination he has been found properly qualified to practice. Applicants examined and licensed by other state examining boards registered by the regents as maintaining standards not lower than those provided by this article and applicants who matriculated in a New York state medical school before June fifth, eighteen hundred and ninety, and who received the degree of doctor of medicine from a registered medical school before August first, eighteen hundred and ninety-five, may without further examination, on payment of twenty-five dollars to the regents and on submitting such evidence as they may require, receive from them an indorsement of their licenses or diplomas conferring all rights and privileges of a regents' license issued after examination. The commissioner of education may in his discretion on the approval of the board of regents indorse a license or diploma of a physician from another state, provided the applicant has met all the preliminary and professional qualifications required for earning a license on examina-

tion in this case, has been in reputable practice for a period of ten years, and has reached a position of conceded eminence and authority in his profession. Any physician, who was actually engaged in the practice of medicine in this state prior to September first, eighteen hundred and ninety-one, and who failed to register, although eligible to do so at the time, or any physician, whose registration is not legal because of some error, misunderstanding or unintentional omission, may on the unanimous recommendation of the state board of medical examiners that he has submitted satisfactory proof of having complied with all the requirements prescribed by law at the time of his failure to register, or his incomplete registration, receive from the regents under seal a certificate of the facts which may be registered by any county clerk and shall make valid his registration. Before any license is issued it shall be numbered and recorded in a book kept in the regents' office, and its number shall be noted in the license; and a photograph of the licensee filed with records. This record shall be open to public inspection, and in all legal proceedings shall have the same weight as evidence that is given to a record of conveyance of land. [*Amended by L.* 1915, *ch.* 552, *in effect May* 8, 1915.]

§ 170. Registry; revocation of license; annulment of registry. Every license to practice medicine shall, before the licensee begins practice thereunder, be registered in a book kept in the clerk's office of the county where such practice is to be carried on, with name, residence, place and date of birth, and source, number and date of his license to practice. Before registering, each licensee shall file, to be kept in a bound volume in a county clerk's office, an affidavit of the above facts, and also that he is the person named in such license, and had, before receiving the same, complied with all requirements as to attendance, terms and amount of study and examinations required by law and the rules of the university as preliminary to the conferment thereof; that no money was paid for such license, except the regular fees paid by all applicants therefor; that no fraud, misrepresentation or mistake in any material regard was employed by any one or occurred in order that such license should be conferred. Every license, or if lost a copy thereof legally certified so as to be admissible as evidence, or a duly attested transcript of the record of its conferment, shall, before registering, be exhibited to the county clerk, who, only in case it was issued or indorsed as a license under seal by the regents, shall indorse or stamp on it the

date and his name preceded by the words, "registered as authority to practice medicine in the clerk's office of ..... county." The clerk shall thereupon give to every physician so registered a transcript of the entries in the register with a certificate, under seal that he has filed the prescribed affidavit. The licensee shall pay to the county clerk a total fee of one dollar for registration, affidavit and certificate. The regents shall have power at any and all times to inquire into the identity of any person claiming to be a licensed or registered physician and after due service of notice in writing, require him to make reasonable proof, satisfactory to them, that he is the person licensed to practice medicine under the license by virtue of which he claims the privilege of this article. When the regents find that a person claiming to be a physician, licensed under this article, is not in fact the person to whom the license was issued, they shall reduce their findings to writing and file them in the office of the clerk of the county in which said person resides or practices medicine. Said certificate shall be prima facie evidence that the person mentioned therein is falsely impersonating a practitioner or a former practitioner of a like or different name. The regents may revoke the license of a practitioner of medicine, or annul his registration, or do both, in any of the following cases:

(a) A practitioner of medicine who is guilty of any fraud or deceit in his practice, or who is guilty of a crime or misdemeanor, or who is guilty of any fraud or deceit by which he was admitted to practice; or

(b) Is an habitual drunkard or habitually addicted to the use of morphine, opium, cocaine, or other drugs having a similar effect; or

(c) Who undertakes or engages in any manner or by any ways or means whatsoever, to procure or perform any criminal abortion as the same is defined by section eighty of the penal law; or

(d) Who offers or undertakes by any manner or means to violate any of the provisions of section eleven hundred and forty-two of the penal law.

Proceedings for revocation of a license or the annulment of registration shall be begun by filing a written charge or charges against the accused. These charges may be preferred by any person or corporation, or the regents may on their own motion direct the executive officer of the board of regents to prefer said charges. Said charges shall be filed with the executive officer of the board of regents, and a copy thereof filed with the secretary

of the board of medical examiners. The board of medical examiners, when charges are preferred, shall designate three of their number as a committee to hear and determine said charges. A time and place for the hearing of said charges shall be fixed by said committee as soon as convenient, and a copy of the charges, together with a notice of the time and place when they will be heard and determined, shall be served upon the accused or his counsel, at least ten days before the date actually fixed for said hearing. Where personal service or service upon counsel can not be effected, and such fact is certified on oath by any person duly authorized to make legal service, the regents shall cause to be published for at least seven times, for at least twenty days prior to the hearing, in two daily papers in the county in which the physician was last known to practice, a notice to the effect that at a definite time and place a hearing will be had for the purpose of hearing charges against the physician upon an application to revoke his license. At said hearing the accused shall have the right to cross-examine the witnesses against him and to produce witnesses in his defense, and to appear personally or by counsel. The said committee shall make a written report of its findings and recommendations, to be signed by all its members, and the same shall be forthwith transmitted to the executive officer of the board of regents. If the said committee shall unanimously find that said charges, or any of them, are sustained, and shall unanimously recommend that the license of the accused be revoked or his registration be annulled, the regents may thereupon in their discretion, revoke said license or annul said registration, or do both. If the regents shall annul such registration, they shall forthwith transmit to the clerk of the county or counties in which said accused is registered as a physician, a certificate under their seal certifying that such registration has been annulled, and said clerk shall, upon receipt of said certificate, file the same and forthwith mark said registration "annulled." Any person who shall practice medicine after his registration has been marked "annulled" shall be deemed to have practiced medicine without registration. Where the license of any person has been revoked, or his registration has been annulled as herein provided, the regents may, after the expiration of one year, entertain an application for a new license, in like manner as original applications for licenses are entertained; and upon such new application they may in their discretion, exempt the applicant from the necessity of undergoing any examination.

§ 171. Registry in another county. A practicing physician having registered a lawful authority to practice medicine in one county, and removing such practice or part thereof to another county, or regularly engaging in practice or opening an office in another county, or shall have his office, practice or any part thereof removed from one county to another by an act of legislature creating a new county from a then existing county, thereby causing his office or practice to be situated in a new county, shall show or send by registered mail to the clerk of such other or new county, his certificate of registration. If such certificate clearly shows that the original registration was of an authority issued under seal by the regents, or if the certificate itself is indorsed by the regents as entitled to registration, the clerk shall thereupon register the applicant in the latter or new county, on receipt of a fee of twenty-five cents and shall stamp or indorse on such certificate the date and his name, preceded by the words "registered also in ———— county," and return the certificate to the applicant. [*Amended by L.* 1915, *ch.* 53, *in effect March* 11, 1915.]

§ 172. Certificate presumptive evidence; unauthorized registration and license prohibited. Every unrevoked certificate and indorsement of registry, made as provided in this article, shall be presumptive evidence in all courts and places, that the person named therein is legally registered. Hereafter no person shall register any authority to practice medicine unless it has been issued or indorsed as a license by the regents. No such registration shall be valid unless the authority registered constituted, at the time of registration, a license under the laws of the state then in force. No diploma or license conferred on a person not actually in attendance at the lectures, instruction and examinations of the school conferring the same, or not possessed at the time of its conferment of the requirements then demanded of medical students in this state as a condition of their being licensed so to practice, and no registration not in accordance with this article shall be lawful authority to practice medicine, nor shall the degree of doctor of medicine be conferred causa honoris or ad eundem nor if previously conferred shall it be a qualification for such practice.

§ 173. Construction of this article. This article shall not be construed to affect commissioned medical officers serving in the United States army, navy or marine hospital service, while so commissioned; or any one while actually serving without salary

or professional fees on the resident medical staff of any legally incorporated hospital; or any legally registered dentist exclusively engaged in practicing dentistry; or any person or manufacturer who mechanically fits or sells lenses, artificial eyes, limbs or other apparatus or appliances, or is engaged in the mechanical examination of eyes, for the purpose of constructing or adjusting spectacles, eye glasses and lenses; or any lawfully qualified physician in other states or countries meeting legally registered physicians in this state in consultation; or any physician residing on a border of a neighboring state and duly licensed under the laws thereof to practice medicine therein, whose practice extends into this state, and who does not open an office or appoint a place to meet patients or receive calls within this state; or any physician duly registered in one county called to attend isolated cases in another county, but not residing or habitually practicing therein; or the furnishing of medical assistance in case of emergency; or the domestic administration of family remedies; or the practice of chiropody; or the practice of the religious tenets of any church. This article shall be construed to repeal all acts or parts of acts authorizing conferment of any degree in medicine causa honoris or ad eundem or otherwise than on students duly graduated after satisfactory completion of a preliminary medical course not less than that required by this article as a condition of license. It is further provided that any person who shall be actively engaged in the practice of osteopathy in the state of New York on the thirteenth day of May, nineteen hundred and seven, and who shall present to the board of regents satisfactory evidence that he is a graduate in good standing of a regularly conducted school or college of osteopathy within the United States which at the time of his or her graduation required a course of study of two years or longer, including the subjects of anatomy, physiology, pathology, hygiene, chemistry, obstetrics, diagnosis and the theory and practice of osteopathy, with actual attendance of not less than twenty months, which facts shall be shown by his or her diploma and affidavit, shall upon application and payment of ten dollars be granted, without examination, a license to practice osteopathy, provided application for such license be made within six months after the thirteenth day of May, nineteen hundred and seven. A license to practice osteopathy shall not permit the holder thereof to administer drugs or perform surgery with the use of instruments. Licenses to practice osteopathy shall be registered in accordance with the provisions of this article, and the word osteopath be

included in such registration; and such license shall entitle the holder thereof to the use of the degree D. O., or doctor of osteopathy.

§ 174. Penalties and their collection. Any person who, not being then lawfully authorized to practice medicine within this state and so registered according to law, shall practice medicine within this state without lawful registration or in violation of any provision of this article; and any person who shall buy, sell or fraudulently obtain any medical diploma, license, record or registration, or who shall aid or abet such buying, selling or fraudulently obtaining, or who shall practice medicine under cover of any medical diploma, license, record or registration illegally obtained, or signed, or issued unlawfully or under fraudulent representations or mistake of fact in a material regard, or who, after conviction of a felony, shall attempt to practice medicine, or shall so practice, and any person who shall in connection with his name use any designation tending to imply or designate him or her as a practitioner of medicine within the meaning of this article without having registered in accordance therewith, or any person who shall practice medicine or advertise to practice medicine under a name other than his own, or any person not a registered physician who shall advertise to practice medicine, shall be guilty of a misdemeanor. Any person who shall practice medicine under a false or assumed name, or who shall falsely personate another practitioner or former practitioner of a like or different name, shall be guilty of a felony. When any prosecution under this article, or under sections eleven hundred and forty-two, eighty, eighty-one, eighty-two, seventeen hundred and forty-seven of the penal law, and any amendments thereto, is made on the complaint of any incorporated medical society of the state, or any county medical society entitled to representation in a state society, any fines collected shall be paid to the society making the complaint, and any excess of the amount of fines so paid over the expense incurred by the said society in enforcing the medical laws of this state, shall be paid at the end of the year to the county treasurer.

III. DENTAL SOCIETIES AND THE PRACTICE OF DENTISTRY

Public Health Law (*L.* 1909, *ch.* 49) *art.* 9

Section 190. Definitions.
191. State dental society.

Section 192. District dental societies.
193. Powers of district dental societies.
194. Licentiates.
195. State board of dental examiners.
196. Examinations.
197. Degrees.
198. Licenses.
199. Registration.
200. Examination fees.
201. Revocation of licenses.
202. Construction of this article.
203. Penalties.

§ 190. Definitions. As used in this article, the terms "university," "regents" and "physicians" have respectively the meanings defined in article eight of this chapter. "Board," where not otherwise limited, means the board of dental examiners of the state of New York. "Registered medical or dental school" means a medical or dental school, college or department of a university, registered by the regents as maintaining a proper educational standard and legally incorporated. "Examiner," where not otherwise qualified, means a member of the board. "State dental society" means the dental society of the state of New York.

Practice of dentistry. A person practises dentistry within the meaning of this article, who holds himself out as being able to diagnose, treat, operate, or prescribe for any disease, pain, injury, deficiency, deformity, or physical condition of the human teeth, alveolar process, gums, or jaws, and who shall either offer or undertake by any means or method to diagnose, treat, operate, or prescribe for any disease, pain, injury, deficiency, deformity, or physical condition of the same. [*Amended by L.* 1916, *ch.* 129, *in effect September* 1, 1916.]

§ 191. State dental society. The dental society of the state of New York is continued, and shall be composed of eight delegates from each district society divided into four classes of two delegates, each to be elected annually, and of two delegates from each incorporated dental school of the state to be elected annually. The state dental society shall annually meet on the second Wednesday of May, or at such other time and at such place as may be determined on in the by-laws of the society or by resolution, at the preceding annual meeting. Twenty members shall be a quorum. The society shall elect annually a president,

vice-president, secretary and treasurer, who shall hold their offices for one year, and until others shall be chosen in their places, and may elect permanent members at any annual meeting from among members of district societies of the state, who shall have all the privileges of delegate members; the number of permanent members so elected shall be fixed by the by-laws of the society. The society may elect honorary members from any state or country not eligible to regular membership, who shall not be entitled to vote or hold any office in the society. [*Amended by L.* 1912, *ch.* 171.]

§ 192. District dental societies. The existing district dental societies are continued. In any judicial district in which a district dental society is not now incorporated, fifteen or more dentists of such district authorized to practice dentistry in this state may become a district dental society of such district, by publishing a call for a meeting of the dentists of the district to be held at a time and place mentioned therein within the district, in at least one newspaper in each county of the district, at least once a week for at least four weeks immediately preceding the time when such meeting is to be held, and by meeting at the time and place specified in such notice with such dentists authorized to practice dentistry in the district as may respond to such call, and by making and filing with the secretary of the state dental society a certificate, to be executed and acknowledged by the dentists so meeting, or by at least fifteen of them, which shall set forth that such meeting has been held pursuant to such notice, the corporate name of the society, which shall be the district dental society of the judicial district where located, the names and places of residence of the officers of the society for the first year, or until the first annual meeting, which officers shall be a president, vice-president, secretary and treasurer, the time and place of the annual meeting of the society, the general objects and purposes of the association and the names of eight delegates to the state society divided into four classes of two delegates each, to hold office until the first, second, third and fourth annual meeting thereafter, respectively. And thereon the persons executing such certificate and all other dentists in good standing and authorized to practice dentistry in such district, who shall subscribe to its by-laws, shall be a corporation by the name expressed in such certificate.

§ 193. Powers of district dental societies. Every licensed and registered dentist in the judicial district in which such society is formed, shall be eligible to membership in the district society of the district where he resides or practices

dentistry. Every district society shall at every annual meeting choose two delegates to the state dental society, each to serve four years, and may fill all vacancies occurring in their respective delegations in the state society. Every district dental society shall at its annual meeting appoint not less than three nor more than five censors to continue in office for one year and until others are chosen, who shall constitute a district board of censors. The dental societies of the respective districts of the state shall have power to make all needful by-laws not inconsistent with the laws of this state for the management of their affairs and property and the admission and expulsion of members; providing, that no by-law of any district society shall be repugnant to or inconsistent with the by-laws of the state society. Said societies may purchase and hold real and personal estate for the purposes of their incorporation; provided that the property of a district society shall not exceed in value five thousand dollars, and the property of the state society shall not exceed in value twenty-five thousand dollars.

§ 194. Licentiates. Only the following persons shall be deemed licensed to practice dentistry:

1. Those duly licensed and registered as dentists in this state prior to the first day of August, eighteen hundred and ninety-five, pursuant to the laws in force at the time of their license and registration.

2. Those duly licensed and registered after the first day of August, eighteen hundred and ninety-five, pursuant to the provisions of this chapter.

§ 195. State board of dental examiners. 1. The existing state board of dental examiners shall be divided into four classes and their terms of office shall continue except that said terms shall expire on the thirty-first day of July in each year. After July 31, 1910, the state board of dental examiners shall be increased by the addition of a member residing in the ninth judicial district, who shall be appointed in the manner provided by this section, for a term of four years, commencing on the first day of August, 1910, and who shall be a member of the class whose terms commence on such date. Before the day when the official terms of the members of any of said classes shall expire, the regents shall appoint their successors, to serve for the term of four years from said day. Such appointment shall be made from nominations in number twice the number of the outgoing class made by such society to the regents prior to the second Tuesday in June of each year, or in default of such nominations

from the licensed and registered dentists of the state who have been members of the state dental society for not less than ten years prior to the time of the appointment. The regents, in the same manner, shall also fill vacancies in the board that may occur. All nominations and appointments shall be so made that every vacancy in the board shall be filled by a resident of the same judicial district in which the last incumbent of the office resided. The board shall elect at its annual meeting from its members a president and shall hold one or more meetings each year pursuant to call of the regents. No person shall be appointed an examiner unless he shall have received a dental degree from a body lawfully entitled to confer the same, and in good standing at the time of its conferment, and shall have been engaged within the state during not less than five years prior to his appointment in the actual and lawful practice of dentistry. Nor shall any person connected with a dental school as professor, trustee or instructor be eligible to such appointment. Cause being shown before them the regents may remove an examiner from office on proven charges of inefficiency, incompetency, immorality or unprofessional conduct.

2. Secretary of the board. The secretary shall be a licensed dentist who has been in practice in this state for at least five years with a degree of D.D.S. He shall be appointed by the regents, shall hold office during their pleasure, and shall receive an annual salary of four thousand dollars, payable from moneys received under this article. He shall have such powers and shall perform such duties as are prescribed by the rules of the regents. [*Amended by L.* 1910, *ch.* 137, *and L.* 1916, *ch.* 129, *in effect September* 1, 1916.]

§ 196. Examinations. The regents shall admit to examination any candidate who shall pay the fee herein prescribed and submit satisfactory evidence, verified by oath if required, that he:

1. Is more than twenty-one years of age;

2. Is of good moral character;

3. Has a preliminary education equivalent to graduation from a four-year high school course registered by the regents, or an education accepted by the regents as fully equivalent.

4. Subsequently to receiving such preliminary education either has been graduated in course with a dental degree from a registered dental school, or else, having been graduated in course from a registered medical school with a degree of doctor of medicine, has pursued thereafter a course of special study of dentistry for

at least two years in a registered dental school and received therefrom its degree of doctor of dental surgery, or else holds a diploma or license conferring full right to practise dentistry in some other of the United States or in some foreign country and granted by some licensing board, college, school or university registered by the regents as maintaining an educational standard equal to that required of dental colleges of this state, or else has lawfully practised dentistry for more than twenty-five years without this state and within the United States; but the examination for those who have lawfully practised for twenty-five years in other states shall be a practical examination only. The regents may also in their discretion on or after June one, nineteen hundred and sixteen, admit conditionally to the examination in anatomy, physiology, chemistry and metallurgy and histology, applicants twenty years of age certified as having studied dentistry not less than two years, including two satisfactory courses in two different calendar years, in a dental school registered as maintaining at the time a satisfactory standard, provided that such applicants meet the second and third requirements of candidates for examination. If a candidate fails on final examination, he may have a second examination without fee; but for every examination subsequent an additional fee of twenty-five dollars shall be required. Any member of the board may inquire of any applicant for examination concerning his qualifications and may take testimony of any one in regard thereto, under oath, which he is hereby empowered to administer.

5. Any dental dispensary or infirmary legally incorporated and registered by the regents, and maintaining a proper standard and equipment may establish for women students a course of study in oral hygiene, all such students upon entrance shall present evidence of attendance of one year in the high school, and may be graduated in one year as dental hygienists, upon complying with the preliminary requirements to examination by the board, which are:

A A fee of five dollars.

B Evidence that they are at least twenty years of age and of good moral character.

C That they have complied with and fulfilled the preliminary and professional requirements and the requirements of the statute.

After having satisfactorily passed such examination they shall be registered and licensed as dental hygienists by the regents under such rules as the regents shall prescribe.

6. Any licensed dentist, public institution or school authorities may employ such licensed and registered dental hygienists. Such dental hygienists may remove lime deposits, accretions and stains from the exposed surfaces of the teeth, but shall not perform any other operation on the teeth or tissues of the mouth. They may operate in the office of any licensed dentist, or in any public institution or in the schools under the general direction or supervision of a licensed dentist, but nothing herein shall be construed as authorizing any dental hygienist performing any operation in the mouth without supervision. The regents may revoke the license of any licensed dentist who shall permit any dental hygienist operating under his supervision to perform any operation other than that permitted under the provisions of this section, and they may also revoke the license of any dental hygienist violating the provisions of this act. [*Amended by L.* 1911, *ch.* 786, *and L.* 1916, *ch.* 129, *in effect September* 1, 1916.]

§ 197. Degrees. No degree in dentistry shall be conferred in this state except the degree of doctor of dental surgery. Said degree shall not be conferred upon any one unless he shall after January first, nineteen hundred and twenty-one, have satisfactorily completed a course of at least four years in a registered dental school, and prior to that date a course of at least three years, or having been graduated in course from a registered medical school with the degree of doctor of medicine shall have pursued satisfactorily thereafter a course of special study of dentistry for at least two years in a registered dental school; nor shall said degree be conferred upon any one matriculating after January first, nineteen hundred and sixteen, unless prior to matriculation in the institution conferring this professional education, he shall have filed a regents' certificate that he had the minimum education required by the regents; provided, further, however, that the regents may confer upon all persons who shall have received the degree of master of dental surgery under the laws of this state, prior to March twenty-eighth, nineteen hundred and one, the degree of doctor of dental surgery in lieu of said master's degree. [*Amended by L.* 1916, *ch.* 129, *in effect September* 1, 1916.]

§ 198. Licenses. 1. On certification by the board of dental examiners that a candidate has successfully passed its examinations and is competent to practice dentistry, the regents shall issue to him their license so to practice pursuant to the rules established by

them. On the recommendation of the board, the regents may also, without the examination hereinbefore provided for, issue their license to any applicant therefor who shall furnish proof satisfactory to them that he has been duly graduated from a registered dental school and has been thereafter lawfully and reputably engaged in such practice for six years next preceding his application; or who holds a license to practice dentistry in any other state of the United States granted by a state board of dental examiners, indorsed by the Dental Society of the State of New York, provided, that in either case his preliminary and professional education shall have been not less than required in this state. Every license so issued shall state on its face the grounds on which it is granted and the applicant may be required to furnish his proof on affidavit.

2. Upon recommendation of the board, the regents may issue a permit to graduates from the dental colleges of this state to be employed in registered dental dispensaries, infirmaries and public institutions while under the direction or supervision of a licensed dentist in the interim between graduation and one year thereafter. This permit may be revoked for cause. No such permit shall be issued except such graduate has definite offer of a position in such dental dispensaries, infirmaries or public institutions. [*Amended by L.* 1916, *ch.* 129, *in effect September* 1, 1916.]

§ 199. 1. Registration. Every person practicing dentistry in this state and not lawfully registered before April seventeenth, eighteen hundred and ninety-six, shall register in the office of the clerk of the county where his place of business is located, in a book kept by the clerk for such purpose, his name, age, office and post office address, date and number of his license to practice dentistry and the date of such registration, which registration he shall be entitled to make only upon showing to the county clerk his license or a duly authenticated copy thereof, and making an affidavit stating name, age, birthplace, the number of his license and the date of its issue; that he is the identical person named in the license; that before receiving the same he complied with all the preliminary requirements of this article and the rules of the regents and board as to the terms and the amount of study and examination; that no money, other than the fees prescribed by this article and said rules, was paid directly or indirectly for such license; and that no fraud, misrepresentation or mistake in a material regard was employed or occurred in order that such license should be conferred. The county clerk shall preserve such affidavit in a bound volume and

shall issue to every licentiate duly registering and making such affidavit, a certificate of registration in his county, which shall include a transcript of the registration. Such transcript and the license may be offered as presumptive evidence in all courts of the facts stated therein. The county clerk's fee for taking such registration and affidavit and issuing such certificate, shall be one dollar. Any person who having lawfully registered as aforesaid shall thereafter change his name in any lawful manner shall register the new name with marginal note of the former name; and shall note upon the margin of the former registration the fact of such change and a cross reference to the new registration. A county clerk who knowingly shall make or suffer to be made upon the book of registry of dentists kept in his office any other entry than is provided for in this article shall be liable to a penalty of fifty dollars to be recovered by the State Dental Society in a suit in any court having jurisdiction.

2. A county clerk having properly issued a certificate of registration to a licensed dentist, shall forward a duly attested copy of the same, and a copy of the affidavit and evidence upon which said certificate was issued, to the secretary of the board within thirty days of such initial registration of a duly licensed dentist. On or before the first day of May of each year the secretary of the board shall mail to every dentist registered in the state of New York a blank application for reregistration, addressing the same in accordance with the post office address given at the last previous registration. Upon receipt of such application blank,* which shall contain space for the insertion of his name, office and post office address, date and number of his license, and such other information as the regents deem necessary; and he shall sign and swear to the accuracy of the same before a notary public, after which he shall forward this sworn statement and application for renewal of his registration certificate to the secretary of the board together with the fee of two dollars. Upon receipt of such application and fee, and having verified the accuracy of the same by comparison with the applicant's initial registration statements the secretary of the board shall issue a certificate of registration which shall render the holder thereof a legal practitioner of dentistry for the ensuing year. These certificates of registration shall all bear date of September first of the year of issue, and shall expire on the thirty-first day of August in the year follow-

* So in original.

ing. Applications for renewal of registration therefore must be made on or before the first day of September of each year, and if not so made an additional fee of one dollar for each thirty days of delay beyond the first day of September and up to the first day of January, shall be added to the regular fee. On the first day of January of each year, or within ten days thereafter, the secretary of the board shall publish and mail to every registered dentist in the state of New York a printed copy of the dental law and a printed list of the legally registered dentists within the state, and each such published list shall contain at the beginning thereof these words: "Each registered dentist receiving this list is requested to report to the secretary of the board the name* and addresses of any dentists known to be practising dentistry, whose names do not appear in this registry. The names of persons giving such information shall not be divulged." Should any dentist continue to practise dentistry beyond the first day of January, despite the fact that his name does not appear in the registry, he shall be counted as an illegal practitioner, and his license may be suspended or revoked by the regents, in accordance with the provisions of section two hundred and ninety-one. All practitioners of dentistry already registered in this state at the time of the passage of this act, shall make application to the secretary of the board for the reregistration blank upon receipt of which he shall, in like manner already described, make application for reregistration, forwarding to the secretary of the board the reregistration blank properly filled in and accompanied by the fee of two dollars. Said application and fee must reach the secretary on or before the first day of December following the adoption of this statute; failing which the delinquent shall be dealt with as outlined in section 201. [*Amended by L.* 1915, *ch.* 54, *and L.* 1916, *ch.* 129, *in effect September* 1, 1916.]

§ 200. Examination fees; expenses. Every applicant for license to practise dentistry shall pay a fee of not more than twenty-five dollars. All fees, fines, penalties and other moneys derived from the operation of this article shall be applied by the regents in the payment of all proper expenses incurred by them under its provisions, including the salary and expenses of the secretary of the board, the compensation and expenses of the members of such board, and all other expenses pertaining to the enforcement of the provisions of this article. All expenses of the

* So in original.

state dental society incurred by them in the prosecution of illegal practitioners of dentistry shall be paid out of the first year's receipts, upon the indorsement of the auditing committee of the state dental society. [*Amended by L.* 1916, *ch.* 129, *in effect September* 1, 1916.]

§ 201. Revocation of licenses. 1. If any practitioner of dentistry should fail to register in time for the appearance of his name in the published list of registered dentists, in accordance with the provisions of section one hundred and ninety-nine the regents shall notify said delinquent to appear before them at an appointed time and place, and if his explanation of his failure to have registered shall be satisfactory to the regents, he may be reinstated and his name added to the registry; and the regents may also at their option remit the additional fees accruing because of delay in registering. But should the delinquent's explanation prove unsatisfactory, the regents may suspend the person from the practice of dentistry for a limited season; or the regents may revoke the person's license.

2. If any practitioner of dentistry be charged under oath before the board, with unprofessional or immoral conduct, or with gross ignorance, or inefficiency in his profession, or with fraud or deceit in procuring admission to practise, the board shall notify him to appear before a committee of three of the board at an appointed time and place, with counsel, if he so desires, to answer said charges, furnishing to him a copy thereof. Upon the report of the board to the regents that the accused has been guilty of unprofessional or immoral conduct, or that he is grossly ignorant or inefficient in his profession, or of fraud or deceit in procuring admission to practice, the regents may, without further hearing, suspend the person so charged from the practice of dentistry for a limited season, or may revoke his license. Upon the revocation of any license, the fact shall be noted upon the records of the Regents and the license shall be marked as canceled, of the date of its revocation. Upon presentation of a certificate of such cancelation to the clerk of any county wherein the licentiate may be registered, said clerk shall note the date of the cancelation on the register of dentists and cancel the registration. A conviction of felony shall forfeit a license to practise dentistry, and upon presentation to the Regents or a county clerk by any public officer or officer of a dental society of a certified copy of a court record showing that a practitioner of dentistry has been convicted of felony, that fact shall be noted on the record of

license and clerk's register, and the license and registration shall be marked "canceled." Any person who, after conviction of a felony shall practice dentistry in this state, shall be subject to all the penalties prescribed for the unlicensed practice of dentistry, providing that if such conviction be subsequently reversed upon appeal and the accused acquitted or discharged, his license shall become again operative from the date of such acquittal or discharge. [*Amended by L.* 1916, *ch.* 129, *in effect September* 1, 1916.]

§ 202. Construction of this article. This article shall not be construed to prohibit an unlicensed person from performing merely mechanical work upon inert matter in a dental office or laboratory; or a student in an incorparated dental school or college, registered by the regents, from performing operations for purposes of clinical study under the supervision and instruction of perceptors; or a duly licensed physician from treating diseases of the mouth or performing operations in oral surgery. But nothing in this article shall be construed to permit the performance of independent dental operations by an unlicensed person under cover of the name of a registered practitioner or in his office. [*Amended by L.* 1916, *ch.* 129, *in effect September* 1, 1916.]

§ 203. Penalties and their collection. *A* A person who, in any county of this state, practices dentistry, not being at the time of said practice a dentist licensed to practise as such in this state and registered in the office of the clerk of such county, pursuant to the general laws regulating the practice of dentistry, is guilty of a misdemeanor and punishable upon conviction of a first offense by a fine of not less than fifty dollars, and upon conviction of a subsequent offense by a fine not less than one hundred dollars, or by imprisonment for not less than two months, or by both such fine and imprisonment. Any violation of this section by a person theretofore convicted under the then existing laws of this state of practicing dentistry without license or registration, shall be included in the term "a subsequent offense." Every conviction of unlawful practice subsequent to a first conviction thereof shall be a conviction of a second offense. Every practitioner of dentistry must display conspicuously upon the house or in the dental office wherein he practises, his full name. If there are more dental chairs than one in any dental office the name of the practitioner practising at each chair must be displayed conspicuously on or by said chair in

plain sight of the patient. Any person who shall practise dentistry personally or by hiring or procuring another to practise and shall fail so to display or cause to be displayed the name, license and registration certificate of himself and any person practising or employed to practise as a dentist or dental hygienist in his dental office or any dental office under his control, shall be guilty of a misdemeanor and punishable upon a first conviction by a fine of not less than fifty dollars or more than five hundred dollars or by imprisonment for not more than one year, and upon every subsequent conviction by a fine of not less than one hundred dollars, or by imprisonment for not less than sixty days, or by both fine and imprisonment. Any person who shall employ, hire, procure, or induce one who is not duly licensed and registered as a dentist to practice dentistry, or shall aid or abet one not so licensed and registered in such practice shall be guilty of a misdemeanor and punishable by a fine of not less than fifty dollars or more than five hundred dollars, or by imprisonment for not more than a year, or by both such fine and imprisonment; providing that a person practised upon by an unlicensed or unregistered dentist shall not be deemed an accomplice, employer, hirer, procurer, inducer, aider, or abettor within the meaning of this section.

B A person shall be deemed guilty of a misdemeanor, and upon every conviction thereof shall be punished by a fine of not less than two hundred and fifty dollars, or by imprisonment for not less than six months, or by both fine and imprisonment, who

1. Shall sell or barter or offer to sell or barter, or, not being lawfully authorized so to do, shall issue or confer or offer to issue or confer any dental degree, license or any diploma or document conferring or purporting to confer any dental degree or license or any certificate or transcript made or purporting to be made pursuant to the laws regulating the license and registration of dentists; or

2. Shall purchase or procure by barter any diploma, certificate or transcript, with intent that the same shall be used as evidence of the qualifications to practise dentistry of any person other than the one upon or to whom it was lawfully conferred or issued or in fraud of the laws regulating such practice; or,

3. Shall use or attempt to use any diploma, certificate or transcript which has been purchased, fraudulently issued, counterfeited or materially altered either as a license or color of license to practise dentistry or in order to procure registration as a dentist; or,

4. Shall practise dentistry under a false or assumed name or under the license of registration of another person of the same name or under the name of a corporation, company, association, parlor or trade name; provided that legally incorporated dental corporations existing and in operation prior to January 1, 1916, may continue so operating while conforming to the provisions of this act. Their advertising subject to the rules of the regents, and employees of said corporations shall be licensed and registered dentists, and corporations that cease to exist or operate for any reason whatsoever shall not be permitted to resume operation; or,

5. Shall assume the degree of bachelor of dental surgery, doctor of dental surgery, or master of dental surgery, or shall append the letters B.D.S., D.D.S., M.D.S., D.M.D., to his name, or make use of the same or shall prefix to his name the title doctor or any abbreviation thereof, not having had duly conferred upon him by diploma from some college, school or board of examiners, legally empowered to confer the same, the right to assume said titles; or shall assume any title or append or prefix any letters to his name with the intent to represent falsely that he has received a medical or dental degree or license; or shall represent that, not having been licensed to practice dentistry under the laws of this state, he is entitled so to practice; provided that any licentiate may use the prefix to his name of "doctor" or "Dr."; or,

6. Shall falsely personate another at any examination held by the regents or by the board, of the preliminary or professional education of candidates for dental students' certificates, dental degrees or licenses, or who shall induce another to make or aid and abet in the making of such false personation, or who shall knowingly avail himself of the benefit of such false personation, or who shall knowingly or negligently make or induce another to make falsely any certificate required by the regents or board in connection with their examinations.

C Any person who in any affidavit or examination required of an applicant for examination, license or registration under the laws regulating the practice of dentistry, or under the laws, ordinances or regulation governing the regents' examinations of the preliminary education required for a dental student's certificate shall make wilfully a false statement in a material regard shall be guilty of perjury, and punishable upon conviction thereof by imprisonment not exceeding ten years.

D All courts of special sessions and police justices sitting as

courts of special sessions shall have jurisdiction in the first instance to hear and determine all charges of misdemeanors mentioned in this article committed within their local jurisdiction, and to impose all the penalties provided for such misdemeanors; a judgment that the defendant pay a fine shall also direct that he be imprisoned until the fine be paid, specifying the extent of the imprisonment, which can not exceed one day for every dollar of the fine imposed; provided, however, that the power of said courts and justices to hear and determine such charges shall be divested, if before the commencement of a trial before such court or justice, a grand jury shall present an indictment against the accused person for the same offense, or if a justice of the supreme court or a county judge of the county shall grant a certificate in the manner provided by law in cases of misdemeanor, that it is reasonable that such charge be prosecuted by indictment. Any misdemeanor mentioned in this article for which a punishment is not specifically imposed shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year, or by both fine and imprisonment. All prosecutions under this act shall be by the attorney-general in the name of the people of the state and all fines may be paid to the board or sued for and recovered in the name of the people of the state in an action brought therefor by the attorney-general.

E All violations of this act when reported to the regents and duly substantiated by affidavits or other satisfactory evidence shall be investigated and if the report is found to be true and the evidence substantiated the regents shall report such violations to the attorney-general and request prompt prosecution. The regents may appoint such inspectors as are necessary to be paid from the funds received under this act at such salaries as they may determine for the purpose of the investigation of such violations. [*Amended by L.* 1916, *ch.* 129, *in effect September* 1, 1916.]

IV. VETERINARY MEDICINE AND SURGERY

Public Health Law (*L.* 1909, *ch.* 49), *art.* 10

Section 210. Definitions.
211. Qualifications for practice.
212. State board of veterinary medical examiners.
213. Certificate of appointment; oath; powers.

Section 214. Expenses.
215. Officers; meetings; quorum; committees.
216. Admission to examination.
217. Questions.
218. Examinations and reports.
219. Licenses.
220. Registry.
221. Registration in another county.
222. Certificate presumptive evidence; unauthorized registration and license prohibited.
223. Construction of this article.
224. Penalties and their collection.

§ 210. Definitions. As used in this article:

1. "University" means university of the state of New York.

2. "Regents" means board of regents of the university of the state of New York.

3. "Board" means a board of veterinary medical examiners of the state of New York.

4. "Veterinary medical examiner" means a member of a board of veterinary medical examiners of the state of New York.

5. "Veterinary school" means any veterinary school, college or department of a university, registered by the regents as maintaining a proper veterinary medical standard and as legally incorporated.

6. "Veterinary medicine" means veterinary medicine and surgery, or any branch thereof.

7. "Veterinarian" means veterinary physician and surgeon.

§ 211. Qualifications for practice. No person shall practice veterinary medicine after July first, eighteen hundred and ninety-five, unless previously registered and legally authorized, unless licensed by the regents and registered as required by this article; nor shall any person practice veterinary medicine who has ever been convicted of a felony by any court, or whose authority to practice is suspended or revoked by the regents on recommendation of the state board. Any person, a citizen of the United States and of the state of New York, who matriculated in a reputable veterinary medical school prior to January first, eighteen hundred and ninety-five, and who received his degree therefrom prior to January first, eighteen hundred and ninety-seven, or any person who was engaged in the practice of veterinary medicine

prior to the year eighteen hundred and eighty-six, shall be admitted to the veterinary examination for license to practice, as conducted by the regents of the university of the state of New York.

§ 212. State board of veterinary medical examiners. There shall be a board of veterinary medical examiners of five members, each of whom shall hold office for five years from August first of the year in which appointed. Beginning with August first, nineteen hundred and fifteen, the board shall be so appointed that the term of one member shall expire each year. The New York State Veterinary Medical Society shall at each annual meeting nominate five examiners. The names of such nominees shall be annually transmitted under seal by the president and secretary prior to May first, to the regents who shall, prior to August first, appoint from such list the examiners required to fill any vacancies that will occur from expiration of term on July thirty-first. Any other vacancy, however occurring, shall likewise be filled by the regents for the unexpired term. Each nominee before appointment, shall furnish to the regents proof that he has received a degree in veterinary medicine from a registered veterinary medical school and that he has legally practiced veterinary medicine in this state for at least five years. If no nominees are legally before them from the society, the regents may appoint from members in good standing in the veterinary profession without restriction. The regents may remove any examiner for misconduct, incapacity or neglect of duty. [*Amended by L.* 1915, *ch.* 381, *in effect April* 26, 1915.]

§ 213. Certificate of appointment; oath; powers. Every veterinary medical examiner shall receive a certificate of appointment from the regents, and before beginning his term of office shall file with the secretary of state the constitutional oath of office. The board, or any committee thereof, may take testimony and proofs concerning all matters within its jurisdiction. The board may, subject to the regents' approval, make all by-laws and rules not inconsistent with law needed in performing its duties, but no by-laws or rules by which more than a majority vote is required for any specified action by the board shall be amended, suspended or repealed by a smaller vote than that required for the action thereunder.

§ 214. Expenses. From the fees provided by this article the regents may pay all proper expenses incurred by its provisions,

except compensation to veterinary medical examiners, and any surplus at the end of the academic year shall be apportioned among the members of the board pro rata according to the number of candidates whose answer papers have been marked by each.

§ 215. Officers; meetings; quorum; committees. The board shall annually elect from its members a president and secretary for the academic year, and shall hold one or more meetings each year pursuant to the call of the regents. At any meeting a majority shall constitute a quorum; but questions prepared by the board may be grouped and edited, or answer papers of candidates may be examined and marked by committees duly authorized by the board and by the regents.

§ 216. Admission to examination. The regents shall admit to examination any candidate who pays a fee of ten dollars and submits satisfactory evidence, verified by oath if required, that he (first) is more than twenty-one years of age; (second) is of good, moral character; (third) has the general education required in all cases after July first, eighteen hundred and ninety-seven, preliminary to receiving a degree in veterinary medicine; (fourth) has studied veterinary medicine not less than three full years, including three satisfactory courses, in three different academic years, in the veterinary medical school registered as maintaining at the time a satisfactory standard; (fifth) has received a degree as veterinarian from some registered veterinary medical school. The degree in veterinary medicine shall not be conferred in this state before the candidate has filed with the institution conferring it, the certificate of the regents that three years before the date of the degree, or before or during his first year of veterinary medical study in this state, he has either graduated from a registered college or satisfactorily completed an academic course in a registered academy or high school; or has a preliminary education considered and accepted by the regents as fully equivalent; or has passed regents' examinations equivalent to the minimum requirement in such preliminary education for candidates for medical or dental degrees in this state. The regents may, in their discretion, accept as the equivalent for any part of the third and fourth requirement, evidence of five or more years' reputable practice in veterinary medicine, provided that such substitution be specified in the license.

§ 217. Questions. Each member of the board shall submit to the regents, as required, lists of suitable questions for thorough

examination in comparative anatomy, physiology and hygiene, in chemistry, and in veterinary surgery, obstetrics, pathology and diagnosis and therapeutics, including practice and materia medica. From these lists the regents shall prepare question papers for all these subjects, which at any examination shall be the same for all candidates.

§ 218. Examinations and reports. Examination for license shall be given in at least four convenient places in this state and at least four times annually, in accordance with the regents' rules, and shall be exclusively in writing and in English. Each examination shall be conducted by a regents' examiner, who shall not be one of the veterinary medical examiners. At the close of each examination, the regents' examiner in charge shall deliver the questions and answer papers to the board, or to its duly authorized committee, and such board, without unnecessary delay, shall examine and mark the answers and transmit to the regents an official report, signed by its president and secretary, stating the standing of each candidate in each branch, his general average and whether the board recommends that a license be granted. Such report shall include the questions and answers and shall be filed in the public records of the university. If a candidate fails on his first examination, he may, after not less than six months' further study, have a second examination without fee. If the failure is from illness or other cause satisfactory to the regents, they may waive the required six months' study.

§ 219. Licenses. On receiving from the state board an official report that an applicant has successfully passed the examination and is recommended for license, the regents shall issue to him, if in their judgment he is duly qualified therefor, a license to practice veterinary medicine. Every license shall be issued by the university under seal and shall be signed by each acting veterinary medical examiner of the board and by the officer of the university who approved the credential which admitted the candidate to examination, and shall state that the licensee has given satisfactory evidence of fitness as to age, character, preliminary and veterinary medical education and all other matters required by law, and that after full examination he has been found duly qualified to practice. Applicants examined and licensed before July 1, 1897, by other state examining boards registered by the regents as maintaining standards not lower than those provided by this article, and applicants who matriculated in a New

York state veterinary medical school before July 1, 1896, and who received the veterinary degree from a registered veterinary medical school before July 1, 1897, may without further examination, on payment of ten dollars to the regents, and on submitting such evidence as they may require, receive from them an indorsement of their license or diplomas conferring all rights and privileges of a regents' license issued after examination. If any person, whose registration is not legal or who is not registered because of some error, misunderstanding or unintentional omission, shall submit to the state board of veterinary medical examiners or the regents of the university of the State of New York, satisfactory proof that he had all requirements prescribed by law at the time required for registration and was entitled to be legally registered, he may, on unanimous recommendation of the state board of veterinary medical examiners, or by action of the board of regents, receive from the regents under seal a certificate of the facts which may be registered by any county clerk and shall make valid the previous imperfect registration, and such certificate shall include the date on which such person could or should have registered, and his registration shall be deemed to have been valid and corrected from that date. And any veterinary practitioner in any county of this State who was registered in the county clerk's office between July 1, 1895, and July 1, 1915, may, upon satisfactory evidence of such registration and of qualification to practise, and upon written application, receive from the board of regents a certificate of facts which may be registered in the office of the county clerk where such practitioner was registered, and thus make valid his previous imperfect registration. Before any license is issued it shall be numbered and recorded in a book kept in the regents' office and its number shall be noted in the license. This record shall be open to public inspection, and in all legal proceedings shall have the same weight as evidence that is given to a record of conveyance of land. [*Amended by L.* 1912, *ch.* 178 *and L.* 1916, *ch.* 505, *in effect May* 10, 1916.]

§ 220. Registry. Every license to practice veterinary medicine shall, before the licensee begins practice thereunder, be registered in a book to be known as the "Veterinary Medical Register," which shall be provided by and kept in the clerk's office of the county where such practice is to be carried on, with name, residence, place and date of birth, and source, number and date

of his license to practice. Before registering, each licensee, shall file, to be kept in a bound volume in the county clerk's office, an affidavit of the above facts, and also that he is the person named in such license, and had, before receiving the same, complied with all requisites as to attendance, terms and amount of study and examination required by law and the rules of the university as preliminary to the conferment thereof, and no money was paid for such license, except the regular fees, paid by all applicants therefor; that no fraud, misrepresentation or mistake in any material regard was employed by any one or incurred in order that such license should be conferred, and shall annually in the month of January report, under oath, to the state board of examiners, any facts required by the board, shall pay to the regents a registration fee of one dollar, and shall receive a certificate of registration that must be conspicuously displayed together with the original certificate of registration. Every license, or if lost, a copy thereof, legally certified so as to be admissible as evidence, or a duly attested transcript of the record of its conferment, shall, before registering, be exhibited to the county clerk, who, only in case it was or issued or indorsed as a license under seal by the regents, shall indorse or stamp on it the date and his name preceded by the words, "Registered as authority to practice veterinary medicine, in the clerk's office of..... county." The clerk shall thereupon give to every veterinarian so registered a transcript of the entries in the register, with a certificate under seal that he has filed the prescribed affidavit. The licensee shall pay to the county clerk a total fee of one dollar for registration, affidavit and certificate. [*Amended by L.* 1915, *ch.* 381, *in effect April* 26, 1915.]

§ 221. Registration in another county. A practising veterinarian having registered a lawful authority to practice veterinary medicine in one county, and removing such practice or part thereof to another county, or regularly engaging in practice or opening an office in another county, or shall have his office, practice or any part thereof removed from one county to another by an act of legislature creating a new county from a then existing county, thereby causing his office or practice to be situated in a new county, shall show or send by registered mail to the clerk of such other or new county, his certificate of registration. If such certificate clearly shows that the original registration was of an authority issued under seal by the regents, or if the certificate itself is

indorsed by the regents as entitled to registration, the clerk shall thereupon register the applicant in the latter or new county, on receipt of a fee of twenty-five cents, and shall stamp or indorse on such certificate the date, and his name, preceded by the words "registered also in ..... county," and return the certificate to the applicant. [*Amended by L.* 1915, *ch.* 52, *in effect March* 11, 1915.]

§ 222. Certificate presumptive evidence; unauthorized registration and license prohibited. Every unrevoked certificate and indorsement of registry, made as provided in this article, shall be presumptive evidence in all courts and places that the person named therein is legally registered. Hereafter no person shall register any authority to practice veterinary medicine unless it has been issued or indorsed as a license by the regents. No diploma or license conferred on a person not actually in attendance at the lectures, instructions and examinations of the school conferring the same, or not possessed at the time of its conferment of the requirements then demanded of veterinary medical students in this state as a condition of their being licensed so to practice, and no registration not in accordance with this article shall be lawful authority to practice veterinary medicine, nor shall the degree of doctor of veterinary medicine be conferred causa honoris or ad eundem, nor if previously conferred shall it be a qualification for such practice.

§ 223. Construction of this article. This article shall not be construed to affect commissioned veterinary medical officers serving in the United States army, or in the United States bureau of animal industry while so commissioner; or any person for giving gratuitous services in case of emergency; or any lawfully qualified veterinarian in other states or countries meeting legally registered veterinarians in this state in consultation; or any veterinarian residing on a border of a neighboring state and duly authorized under the laws thereof to practice veterinary medicine therein, whose practice extends into this state, and who does not open an office or appoint a place to meet patients or receive calls within this state; or any veterinarian duly registered in one county called to attend isolated cases in another county, but not residing or habitually practicing therein. This article shall be construed to repeal all acts or parts of acts authorizing conferment of any degree in veterinary medicine, causa honoris or ad eundem, or otherwise, than on students duly

graduated after satisfactory completion of a preliminary and veterinary medical course, not less than that required by this article, as a condition of license.

§ 224. Penalties and their collection. Every person who shall practice veterinary medicine within this state without lawful registration or in violation of any provision of this article shall be guilty of a misdemeanor, and shall forfeit to the people of the state of New York, the sum of fifty dollars for each offense, which may be paid to the board or sued for and recovered in the name of the people of the state of New York in an action brought therefor by the attorney-general. Any person who shall practice veterinary medicine under a false or assumed name or who shall falsely personate another practitioner of a like or different name, shall be guilty of a felony; and any person guilty of violating any of the other provisions of this article, not otherwise specifically punished herein, or who shall buy, sell or fraudulently obtain any veterinary medical diploma, license, record or registration, or who shall aid or abet such buying, selling or fraudulently obtaining, or who shall practice veterinary medicine under the cover of a diploma, or license illegally obtained, or signed or issued unlawfully or under fraudulent representation, or mistake of fact in material regard, or who, after conviction of a felony, shall attempt to practice veterinary medicine, and any person who shall, without having been authorized so to do legally, append any veterinary title to his or her name, or shall assume or advertise any veterinary title in such a manner as to convey the impression that he is a lawful practitioner of veterinary medicine or any of its branches, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than two hundred and fifty dollars or imprisonment for six months for the first offense, and on conviction of a subsequent offense by a fine of not less than five hundred dollars or imprisonment for not less than one year, or by both fine and imprisonment. [*Amended by L.* 1915, *ch.* 381, *in effect April* 26, 1915.]

V. PHARMACY

Public Health Law (*L.* 1909, *ch.* 49), *art.* 11, *as amended by L.* 1910, *ch.* 422

Section 230. Definitions.
231. State board of pharmacy; appointments; nominations; examiners; secretary; expenses.

Section 232. Powers and duties of the board; records; employees.
233. Licenses; certificates; examinations; rules.
234. Pharmacies; drug stores; stores.
235. Apprentices and employees.
236. Working hours and sleeping apartments.
237. Adulterating; misbranding and substituting.
238. Poison schedules; register; opium and other prescriptions.
239. Construction of article; temporary permits.
240. Revocation of license; misdemeanors; violations and penalties.
241. Schedules A, B and C.

§ 230. Definitions. As used in this article: 1. "Association" means the New York state pharmaceutical association.

2. "Board" when not otherwise limited, means the New York state board of pharmacy.

3. "Chemicals" when not otherwise limited, means the chemical materials of medicine.

4. "Council" means the New York state pharmaceutical council with a secretary and at least one representative from each school of the state appointed by the regents for a period of five years.

5. "Commissioner" means the commissioner of education of the state of New York; "Department," the education department of the state of New York; "University," the university of the state of New York; "Regents," the board of regents of the university of the state of New York as provided by the education law.

6. "Drugs," where not otherwise limited, means all substances used as medicines or in the preparation of medicines. "Crude drugs" means drugs that have not been changed by manufacture except by desiccation or comminution.

7. "Examiner" means a member of the state board of pharmacy.

8. "Formulary" means the latest edition of the national formulary.

9. "Medicines," where not otherwise limited, means a drug or preparation of drugs in suitable form for use as a curative or remedial substance.

10. "Pharmacy," where not otherwise limited, means the place registered by the board in which drugs, chemicals, medicines, prescriptions or poisons are compounded, dispensed or retailed.

11. "**Pharmacology**" is the science that treats of drugs and medicines; their nature, preparation, administration and effect.

12. "Pharmacopœia," when not otherwise limited, means the latest edition of the pharmacopœia of the United States of America.

13. "Physician" means a practitioner of medicine as defined by article eight of this chapter; "Dentist" means a practitioner of dentistry as defined by article nine, and "Veterinarian," means a practitioner of veterinary medicine as defined by article ten.

14. "Poisons," where not otherwise limited, means any drug, chemical, medicine or preparation liable to be destructive to adult human life in quantities of sixty grains or less.

15. "Rules," where not otherwise limited, means the rules of the board approved by the regents.

16. "School" means any college or school of pharmacy, or the department of pharmacy of a university, whatever the corporate title, registered by the regents as maintaining a proper educational standard and legally incorporated.

17. "Secretary" means the secretary of the state board of pharmacy.

18. "Syllabus" means the latest edition of the syllabus adopted by the board.

§ 231. State board of pharmacy; appointments; nominations; examiners; secretary; expenses. The state board of pharmacy in office when this section takes effect shall remain in office until August first, nineteen hundred and ten. On and after that date such board shall consist of nine examiners, four of whom shall be residents of the city of New York. At the annual meeting of the association held in nineteen hundred and ten there shall be twenty-five licensed pharmacists nominated by ballot whose names shall be submitted to the regents, immediately thereafter.

Appointments. From the number thus submitted or from the other licensed pharmacists of the state the regents may appoint nine persons, who shall constitute the board of pharmacy, whose term of office shall begin on August first, nineteen hundred and ten, three of whom shall hold office for a term of one year, three for a term of two years and three for a term of three years. The successors of the members, whose terms of office have expired, shall be appointed, as hereinafter provided, for a term of three years. A vacancy in the office of any member, caused otherwise than by

expiration of term, shall be filled by the regents for the unexpired term of such member.

Nominations. Thereafter, at each annual meeting of the association, nine licensed pharmacists shall be nominated by ballot, whose names shall be submitted to the regents in writing under the seal of the association by the president and secretary thereof, promptly after the adjournment of such meeting. From the number thus submitted or from the other licensed pharmacists of the state the regents may appoint three persons to succeed the members whose terms of office expire on the following July thirty-first.

Examiners. No person shall be appointed as an examiner unless he is a licensed pharmacist, and has legally practiced as such for at least ten years in this state. Each of the candidates shall present proof of such qualifications to the regents. The regents may remove any examiner for misconduct, incapacity or neglect of duty. Each examiner shall receive a certificate of appointment from the regents, and before beginning his term of office shall take and file with the secretary of state the constitutional oath of office. The board or any committee thereof may employ counsel, may compel the attendance of witnesses, and may take testimony and proofs concerning all matters within its jurisdiction. The board shall make such rules approved by the regents not inconsistent with the law, as may be necessary for the proper performance of its duty, but no rule by which more than a majority vote is required for any specific action by the board shall be amended, suspended, or repealed by a smaller vote than that required for action thereunder.

Secretary. The secretary shall be a licensed pharmacist who has legally practiced as a pharmacist for at least ten years in this state. He shall be appointed by the regents, shall hold office during their pleasure and shall receive an annual salary of three thousand dollars, payable from the moneys received under this article. He shall be the executive officer of the board and shall have such powers and shall perform such duties as are prescribed by the rules. The secretary in office when this article takes effect shall continue in office until his successor has been appointed as above provided.

Expenses. All fees, fines, penalties and other moneys derived from the operation of this article shall be paid into the state treasury and the legislature shall annully appropriate for the

department an amount sufficient to pay all proper expenses incurred pursuant to this article. All funds in the custody of the state board of pharmacy when this act takes effect shall be immediately turned over to the department and shall be available for the payment of all proper expenses of the board, until an appropriation is made by the legislature as above provided. When such appropriation is so made the unexpended balance of the funds so turned over to the department shall be paid into the state treasury, to be expended as in the case of other moneys derived from the operation of this article. [*Amended by L.* 1915, *ch.* 502, *in effect May* 3, 1915.]

§ 232. Powers and duties of the board; records; employees. Prior to October first the board shall annually elect from its members a president and a vice-president for the academic year, and shall hold one or more meetings each year. At any meeting a majority shall constitute a quorum; but questions prepared by the board may be grouped and edited, or answer papers of candidates may be examined and marked by committees duly authorized by the board and approved by the regents.

The board shall have power:

(a) To regulate the practice of pharmacology.

(b) To regulate the sale of drugs, chemicals, medicines and poisons.

(c) To regulate the employment of apprentices and employees in pharmacies.

(d) To regulate the working hours and sleeping apartments of employees in pharmacies.

(e) To regulate and control the character and standard of drugs and medicines compounded and dispensed in the state, to employ inspectors and chemists, to secure samples and to prevent the sale of such drugs, chemicals, medicines and poisons as do not conform to the formulae, standards and tests of the pharmacopœia and formulary.

(f) To regulate the retailing of poisons and to adopt schedules.

(g) To issue temporary permits limited to definite areas.

(h) To investigate alleged violations of the provisions of this article, to conduct hearings in respect thereto when, in its discretion, it appears to be necessary, and to bring the same to the notice of the attorney-general.

Records. It shall be the duty of the board in its rooms provided by the regents to preserve a record of all licenses and cer-

tificates which shall be open to public inspection and shall have in all legal proceedings the same weight as evidence that is given to a record of conveyance of lands. It shall render annually to the regents and the association a report of all its proceedings during the preceding year.

Books, records, papers and properties of the state board of pharmacy and of each branch thereof abolished by this act shall on or before August tenth, nineteen hundred and ten, be transferred to the state board of pharmacy, organized under and in pursuance of the provisions of this act and shall be preserved by the board.

Employees. The clerks, stenographers, inspectors and employees of the state board of pharmacy in office when this act takes effect shall be transferred to the department. The rules of the board, made as hereinbefore provided, shall specify the number of clerks, stenographers, inspectors and employees, necessary to carry out the provisions of this article. The clerks, stenographers, inspectors and employees transferred to the department as above provided, or hereafter employed, shall be subject to the same rules as to appointment and service as the other employees of the department.

§ 233. Licenses; certificates; examinations; rules. Satisfactory evidence verified by oath shall be required by the regents of all candidates for admission to the examinations.

Pharmacist. They shall admit to the examination for pharmacist any candidate that pays a fee of ten dollars and

1. Is more than twenty-one years of age.
2. Is of good moral character.
3. Had prior to January first, nineteen hundred and eighteen, fifteen academic counts, or the equivalent, before beginning the first year of study in the school, and after that date had thirty academic counts, or the equivalent, before beginning such study.
4. Had studied pharmacology as outlined in the syllabus not less than two years in a school.
5. Had either received the diploma of graduate in pharmacy or equivalent degree from a school, or a license conferring the full right to practice pharmacology in some foreign country registered as meeting the minimum requirements of this article. The diploma of graduate in pharmacy or equivalent degree shall not be conferred on any one that did not file with the school at matriculation the pharmacy student certificate required above.

6. Has had four years' experience in a registered pharmacy or drug store, under the personal supervision of a pharmacist or druggist, one year of which experience within five years of the date of application must have been in a pharmacy or drug store of the United States.

Druggist. They shall admit to the examination for druggist any candidate that pays a fee of five dollars and

1. Is more than eighteen years of age.
2. Is of good moral character.
3. Has the preliminary and professional education required by the rules.
4. Has had three years' experience in a registered pharmacy or drug store under the personal supervision of a pharmacist or druggist, one year of which experience within five years of the date of application must have been in a pharmacy or drug store of the United States.

Examinations. The board shall submit to the regents as required suitable questions for thorough examination in pharmacology, both written and practical, as outlined in the syllabus.

From these questions the secretary shall prepare question papers in accordance with the rules which at any examination shall be the same for all candidates. Examinations for license shall be given in at least three convenient places in the state and at least four times annually in accordance with the rules. The practical examinations shall be conducted by the examiners, the written by the regents. On receiving from the board an official report that an applicant has successfully passed the examinations and is recommended for license, the regents shall issue to him a license to practice according to the qualifications of the applicant. Every license shall be issued by the regents under seal and shall be signed by the commissioner, each examiner and by the secretary. Every certificate shall be issued by the board subject to rule and shall be signed by the secretary. Applicants examined and licensed by other state examining boards registered by the regents as maintaining standards not lower than those provided by this article may without further examination, on payment of twenty-five dollars to the regents and on submitting such evidence as they may require receive from them an indorsement of their licenses or diplomas conferring all rights and privileges of a regents' license after examination.

Before any license or certificate is issued it shall be numbered and properly recorded, and its number shall be noted in the license or certificate. The regents on the recommendation of the board may revoke a license or annul a certificate, for cause.

Rules. The rules of the board and of the regents affecting examination, registration and administration continue in force until revised by the board and approved by the regents.

The board shall make rules subject to the approval of the regents:

1. For the certification and registration of apprentices and storekeepers.

2. For the surrendering of licenses, issued prior to January first, nineteen hundred and one.

3. For the acceptance of licenses from other licensing boards issued prior to January, nineteen hundred and five, in lieu of a diploma.

4. For the accomplishment of the trusts reposed in them by this article and by any other law of the state.

All licenses and certificates of examination, issued to licensees by former boards of pharmacy, shall be in full force and effect in perpetuity for the section of the state for which they were issued, and all certificates of registration issued during nineteen hundred and ten shall be valid until January first, nineteen hundred and eleven. [*Amended by L.* 1915, *ch.* 502, *and L.* 1916, *ch.* 327, *in effect April* 27, 1916.]

§ 234. Pharmacies; drug stores; stores. Except as prescribed in this article, it shall not be lawful for any person to practice as a pharmacist, druggist, apprentice or storekeeper, or to engage in, conduct, carry on, or be employed in the dispensing, compounding or retailing of drugs, chemicals, medicines, prescriptions or poisons within this state. Every place in which drugs, chemicals, medicines, prescriptions or poisons are retailed, or dispensed, or compounded, shall be a pharmacy, a drug store, or a store; shall be under the personal supervision of a pharmacist, a druggist, or a storekeeper and shall be annually registered in the month of January by the board as conducted in full compliance with law and the rules.

Pharmacies. It shall be lawful for a pharmacist in conformity with the rules, to take, use and exhibit the titles pharmacist and registered pharmacy and to have charge of, engage in, conduct or carry on for himself or for another the dispensing, com-

pounding, or sale of drugs, chemicals, medicines, prescriptions or poisons anywhere within the state, but he shall have personal supervision of not more than one pharmacy or drug store at the same time.

Drug stores. It shall be lawful for a druggist in conformity with the rules to take, use, and exhibit the titles druggist and registered drug store, and to have charge of, engage in, conduct or carry on for himself or for another the dispensing, compounding or retailing of drugs, chemicals, medicines, prescriptions or poisons anywhere within the state, in a place of not more than one thousand inhabitants, but he shall have charge of not more than one drug store at the same time. He may be employed for the purpose of dispensing or retailing drugs, chemicals, medicines, prescriptions and poisons in a registered pharmacy under the management and personal supervision of a licensed pharmacist; he may also perform such duties during the temporary absence of the pharmacist, except in cities of more than one million inhabitants.

Temporary permits. In places and villages of a thousand inhabitants or less that do not have within three miles a pharmacy or drug store;

1. Physicians may compound medicines, fill prescriptions and sell poisons labeled as required by this article.

2. Storekeepers may in accord with the rules sell medicines and poisons for a period not exceeding one year upon the payment of a fee of three dollars. The storekeeper's certificate is limited to the village or place where the storekeeper resides and may be limited to the sale of certain classes of poisons sold only in original packages and put up by a licensed pharmacist whose name and business address is displayed on the package.

Stores. It shall be lawful for the storekeeper in conformity with the rules to take, use and exhibit the titles certified storekeeper and registered store and to sell medicines and poisons for a period not exceeding one year in a village or place of the state with less than one thousand inhabitants that has no pharmacy or drug store within three miles of it.

Every person practicing as a pharmacist or druggist must at all times display his license conspicuously in his place of business. The proprietor of every pharmacy, drug store or store shall annually in the month of January report under oath to the board

any facts required by the board, shall pay the registration fee of two dollars and shall receive a certificate of registration that must be conspicuously displayed at all times in the pharmacy, drug store or store with all licenses. Every person, partnership, association or corporation doing business as the proprietor or proprietors of a pharmacy, drug store or store shall cause the name of such proprietor or proprietors to be displayed upon a sign conspicuously placed upon the exterior of the building and this sign shall be presumptive evidence of ownership of such pharmacy, drug store or store. The proprietor that opens a pharmacy, drug store or store subsequent to the month of January shall, within thirty days of opening, make this report, pay the fee and display the certificate and the sign. Every proprietor of a wholesale or retail pharmacy, drug store or store is responsible for the strength, quality and purity of all drugs sold or dispensed by him, subject to the guaranty provisions of this article.

§ 235. Apprentices and employees. Every person over fifteen years of age that shall enter a pharmacy or drug store with the intention of becoming a pharmacist or druggist, shall pay the registration fee of one dollar, and receive a certificate as a registered apprentice in accordance with the rules.

Apprentices may be employed, in accordance with the requirements of this article and the rules, in registered pharmacies and drug stores and may receive instruction in the practice of pharmacology.

Apprentices may prepare or dispense receipts or prescriptions, may sell or furnish medicines or poisons in the presence of and under the immediate personal supervision of a pharmacist or druggist who must be either the proprietor or in the actual employ of the proprietor. The proprietor as principal shall be equally liable for violations of this article by his employees.

Other unlicensed assistants may be employed in registered pharmacies and drug stores for other purposes than the practice of pharmacology and the dispensing, compounding or retailing of drugs, chemicals, medicines, prescriptions or poisons. [*Amended by L.* 1915, *ch.* 502, *in effect May* 3, 1915.]

§ 236. Working hours and sleeping apartments. No apprentice or employee in any pharmacy or drug store shall be required or permitted to work more than seventy hours a week. Nothing in this section prohibits working six hours overtime any

week for the purpose of making a shorter succeeding week, provided, however, that the aggregate number of hours in any such two weeks shall not exceed one hundred and thirty-two hours. The hours shall be so arranged that an employee shall be entitled to and shall receive at least one afternoon and evening off in each week and in addition thereto shall receive one full day off in two consecutive weeks. No proprietor of any pharmacy or drug store shall require any clerk to sleep in any room or apartment in or connected with such store that does not comply with the sanitary regulations of the local board of health. The provisions of this section alone regulate working hours and sleeping apartments in pharmacies or drug stores. [*Amended by L.* 1911, *ch.* 630, *and by L.* 1914, *ch.* 514, *in effect April* 23, 1914.]

§ 236-a. Working hours for male employees over the age of sixteen years, and sleeping apartments in grocery or provision stores. No male apprentice or employee over the age of sixteen years in any grocery or provision store located or lying within the boundaries of any city of the first class shall be permitted to work more than seventy hours a week or more than eleven hours in any one day, except that on the last day of the week such employees may be permitted to work fifteen hours for the purpose of eliminating work on the first day of the week. Nothing herein shall be so construed as to require male apprentices or employees over the age of sixteen years in grocery or provision stores to work on seven days in the week. The work hours shall be consecutive, allowing one hour for each meal. Nothing herein shall be so construed as to affect minors under the age of sixteen years or females of any age, or in any way to repeal or modify chapter three hundred and thirty-one of the laws of nineteen hundred and fourteen. No proprietor of any grocery or provision store located within the boundaries of any city of the first class shall permit any clerk to sleep in any room or apartment in or connected with such store which does not comply with the sanitary regulations of the local board of health, providing, however, that this act shall not affect any proprietor or the family of such proprietor who reside in an apartment connected with such store, which apartment at the time of its building or erection was in conformity with the sanitary regulations of the local board of health. Failure to comply with any of the provisions of this section shall be deemed a misdemeanor. [*Section added by L.* 1915, *ch.* 343, *in effect April* 20, 1915.]

§ 237. Adulterating, misbranding and substituting. A drug is adulterated in any of the following cases:

1. When sold under or by a name recognized in the pharmacopœia it differs from the standard determined by the test or formula given.

2. When sold under or by a name recognized in the formulary the strength, quality or purity or percentage of the alkaloid or alkaloids or other potent ingredient or ingredients differs from the standard determined by the test or formula given.

3. When sold under or by a name not recognized in or according to a formula not given in the pharmacopœia or formulary that is found in some other standard work on pharmacology recognized by the board, it differs in strength, quality or purity from the strength, quality or purity required, or the formula prescribed in the standard work. Provided, however, that all drugs sold by wholesalers when not sold to a consumer shall be in accordance with the provisions of the national food and drug act of June thirtieth, nineteen hundred and six.

4. When sold as a homeopathic drug it differs from the strength, quality or purity established by the test or formula given in the latest edition of the homeopathic pharmacopœia of the United States or the American homeopathic pharmacopœia.

5. Its strength, quality or purity differs from the professed standard of strength, quality or purity under which it is sold.

6. It contains methyl or wood alcohol when intended for use as a medicine except when sold as a veterinary liniment for external use only and so labeled.

Misbranding and substituting. A drug is misbranded if

1. The package bears any statement, design or device that is false or misleading in any particular regarding its contents, regarding the state, territory or county in which it is manufactured or produced.

2. It is an imitation or is offered for sale under the name of another substance.

3. The original contents of the package have been removed in whole or in part and other contents added.

4. The package fails to bear a statement of the percentage contained therein by volume of alcohol and by quantity or proportion of morphine, opium, heroin, chloroform, cannabis indica, chloral hydrate, acetanilide or any derivative or preparation of any of these substances.

5. The package containing a homeopathic drug fails to state that fact.

These statements shall be made in type easily read, conspicuously displayed and described by their common or English names. Alcohol used as a solvent, preservative or for any other purpose is contained in the drug within the meaning of this article. Nothing in this paragraph applies to the compounding and dispensing of drugs and medicines on the written prescription of a physician, dentist or veterinarian, which prescription shall be kept on file by the pharmacist or druggist. Nor does it apply to unadulterated drugs recognized in the pharmacopœia and the formulary and the homeopathic pharmacopœia sold under the names by which they are recognized therein and not sold under a proprietary name, trade name or trade mark. All adulterated, misbranded or substituted drugs are forfeited to the board for destruction.

§ 238. Poison schedules; register. It is unlawful for any person to sell at retail or to furnish any of the poisons of schedule A and B without affixing or causing to be affixed to the bottle, box, vessel or package, a label with the name of the article and the word poison distinctly shown and with the name and place of business of the seller all printed in red ink together with the name of such poisons printed or written thereupon in plain, legible characters.

Wholesale dealers in drugs, medicines, pharmaceutical preparations, chemicals or poisons shall affix or cause to be affixed to every bottle, box, parcel and outer inclosure of any original package containing any of the articles of schedule A a suitable label or brand in red ink with the word poison upon it.

Register. Every person who disposes of or sells at retail or furnishes any poisons included in schedule A shall before delivering the same enter in a book kept for that purpose the date of sale, the name and address of the purchaser, the name and the quantity of the poison, the purpose for which it is purchased and the name of the dispenser. The poison register must be always open for inspection by the proper authorities and must be preserved for at least five years after the last entry. He shall not deliver any of the poisons of schedule A or B until he has satisfied himself that the purchaser is aware of its poisonous character and that the poison is to be used for a legitimate purpose. The provisions of this paragraph do not apply to the dispensing of medicines or poisons on physicians' prescriptions.

The board shall add to any of the schedules from time to time as such action becomes necessary for the protection of the public. Schedules A, B and C shall remain in force until amended by the rules. [*Amended by L.* 1915, *ch.* 502, *in effect May* 3, 1915.]

§ 239. Construction of article; temporary permits. This article shall not apply to the practice of a physician that is not the proprietor of a pharmacy, drug store or store, or that is not in the employ of such a proprietor. Except as to the quality of drugs dispensed it shall not prevent physicians from supplying their patients with such articles as the physician deems proper. This article shall not be construed as precluding the ownership of a pharmacy or drug store by an unlicensed person, firm or corporation provided such pharmacy or drug store be conducted in accordance with the provisions of said article. Except as to the labeling of poison and to adulterating, misbranding and substituting, it shall not apply.

1. To the sale of drugs, medicines, chemicals, prescriptions or poisons at wholesale when not for the use or consumption of the purchaser.

2. To the sale of paris green, white hellebore and other poisons for destroying insects.

3. To the sale of any substance for use in the arts.

4. To the manufacture and sale of proprietary medicines.

5. To the sale by merchants of the articles in schedule C.

§ 240. Revocation of license; misdemeanors; violations and penalties. No license or certificate shall be granted to any applicant guilty of felony or gross immorality, or that is addicted to the use of alcoholic liquors or narcotic drugs to such an extent as to render him unfit to practice pharmacology. Any license or certificate obtained by misrepresentation or fraud or that is held by any one unfit or incompetent from negligence, habits or other cause may be revoked after reasonable notice and an opportunity to be heard. The wilful and repeated violation of any of the provisions of this article or the rules is sufficient cause for the revocation of a license or certificate. The license or certificate revoked shall on formal notice be delivered immediately to the board.

Misdemeanors. It is a misdemeanor for

1. Any person to procure or attempt to procure a license or certificate for himself or for any other person by making, or causing to be made, any false representations.

2. Any pharmacist to permit the compounding and dispensing of prescriptions of medical practitioners in his pharmacy by any unlicensed person or persons, except in the presence of and under the immediate personal supervision of a pharmacist or druggist.

3. Any unlicensed person to prepare or to dispense a medical prescription or physician's prescription, or to dispense or to sell at retail poisons or medicines except under the immediate personal supervision of a pharmacist or druggist whose license is displayed in the pharmacy or drug store.

4. Any unlicensed person to open or to conduct or to have charge of, or to supervise any pharmacy, drug store or store for retailing, dispensing or compounding drugs, chemicals, medicines, prescriptions or poisons.

5. Any person to fraudulently represent himself to be licensed.

6. Any person to intentionally prevent or knowingly refuse to permit any examiner or inspector to enter a pharmacy, drug store or store for the purpose of lawful inspection.

7. Any person whose license or certificate has been revoked, to refuse to deliver the certificate or license.

8. Any person to omit his name from the sign and any holder of a license or certificate to fail to display the same.

9. Any proprietor of a pharmacy or drug store to require more than seventy working hours a week in other arrangement than that permitted by section two hundred and thirty-six; and for any proprietor of a pharmacy or drug store to violate the provisions of the same section in regard to sleeping apartments.

10. Any person to adulterate, misbrand or substitute any drug knowing or intending that it shall be used, or sells, offers for sale or causes to be sold any adulterated, misbranded or substituted drug.

11. Any person to violate any of the provisions of this article in relation to the wholesaling, retailing or dispensing of drugs, chemicals, medicines, prescriptions and poisons for which violations no other punishment is imposed.

Violations and penalties. Any person that violates any of the provisions of this article who is not criminally prosecuted, on complaint of the board, as for a misdemeanor, shall forfeit to the people of the state of New York the sum of fifty dollars for every such violation, which may be paid to the board or sued for and recovered in the name of the people of the state of New York in an action brought therefor by the attorney-general.

A person accused of violation of any of the provisions of this article relating to adulterating, misbranding or substitution shall not be prosecuted or convicted or suffer any of the penalties, fines or forfeitures for such violation, if he establishes upon the hearing or trial that the drug or drugs alleged to be adulterated, misbranded or substituted were purchased by him under a guaranty of the manufacturer or seller to the effect that said drug or drugs were not adulterated or misbranded within the meaning of this article and proves that he has not adulterated, misbranded or substituted the same. A guaranty in order to be a defense to a prosecution or to prevent conviction or to afford protection, must state that the drug or drugs to which it refers are not adulterated, misbranded or substituted within the meaning of the provisions of the statute of New York state and must state also the full name, and place of business of the manufacturer, wholesaler, jobber or other person from whom the drug or drugs were purchased. In construing and enforcing the provisions of this article the word "person" shall import both the plural and singular and shall include corporations, companies, partnerships, societies and associations, and the act, omission or failure of any officer, agent or other employee acting for or employed by any person within the scope of his authority or employment shall in every case be the act, omission or failure of the person as well as that of the officer, agent or other employee, and such person shall be equally liable for violations of this article by a partnership, association or corporation, every member of the partnership or association and the directors and general officers of the corporation and the general manager of the partnership, association or corporation, shall be individually liable and any action, prosecution or proceeding authorized by this article may be brought against any or all of such persons. When any prosecution under this article or under section eleven hundred and forty-two, section eighty, section eighty-one, section eighty-two, section seventeen hundred and forty-two, section seventeen hundred and forty-three, section seventeen hundred and forty-five, section seventeen hundred and forty-six, section seventeen hundred and forty-seven, section seventeen hundred and forty-eight, section seventeen hundred and forty-nine and section seventeen hundred and sixty of the penal law and any amendment thereto is made on the complaint of the board, any fines collected shall be paid into the state treasury as provided by this article. [*Amended by L.* 1915, *ch.* 502, *in effect May* 3, 1915.]

§ 240-a. Proof required in prosecuting for certain violations. In an action or proceeding, civil or criminal, against any person for violating any provision of this article relating to retailing or dispensing drugs, chemicals, medicines, prescriptions and poisons or to misbranding or substituting, it shall be necessary to prove at the trial or hearing that at the time and place of the taking of any sample of drugs, chemicals, medicines, or poisons, to be analyzed, the person taking the same divided it into two substantially equal parts, hermetically or otherwise effectively and completely sealed, delivered one such sealed part to the seller, pharmacist, druggist or storekeeper from whose premises such sample was taken and delivered the other part so sealed to the chemist designated by the state board of pharmacy; and the facts herein required to be proven shall be alleged in the complaint or information by which such action or proceeding was begun. The rules of the board shall be proven prima facie by the certificate of the secretary. [*Added by L.* 1913, *ch.* 223, *and amended by L.* 1915, *ch.* 502, *in effect May* 3, 1915.]

§ 241. Schedules A, B and C. These schedules remain in force until revised by the board and approved by the regents.

Schedule A. Arsenic, atropine, corrosive sublimate, potassium cyanide, chloral hydrate, hydrocyanic acid, morphine, strychnine and all other poisonous vegetable alkaloids and their salts, oil of bitter almond containing hydrocyanic acid, opium and its preparations, except paregoric and such others as contain less than two grains of opium to the ounce.

Schedule B. Aconite, belladonna, cantharides, colchicum, conium, cotton root, digitalis, ergot, hellebore, henbane, phytolacca, strophantus, oil of savin, oil of tansy, veratrum viride and their pharmaceutical preparations, arsenical solutions, carbolic acid, chloroform, creosote, croton oil, white precipitate, methyl or wood alcohol, mineral acids, oxalic acid, paris green, salts of lead, salts of zinc, or any drug, chemical or preparation which is destructive to adult human life in quantities of sixty grains or less.

Schedule C. Ammonia water, bicarbonate of soda, borax, camphor, castor oil, cream of tartar, dyestuffs, essence of peppermint, essence of wintergreen, non-poisonous flavoring essences, or extracts, glycerine. licorice, olive oil, sal ammoniac, saltpetre, sal soda, epsom salt, rochelle salt, sulphur, cod liver oil, vaseline, petroleum jellies, oil of origanum, oil of spike, flaxseed, rock

candy, butter color, malt extract, extract of beef, beef, iron and wine, extract of witch hazel, quinine pills, cathartic pills, seidlitz powders, bay rum, perfumes, toilet water, tumeric, talcum powder, composition powder, porous plasters, court plasters, copperas, alum, gum arabic, lithia water. [*Amended by L.* 1915, *ch.* 502, *in effect May* 3, 1915.]

§ 3. This act shall not affect pending actions or proceedings, civil or criminal, brought by or against the state board of pharmacy, as the same was constituted prior to the taking effect of such act, but such actions or proceedings shall be prosecuted or defended to a final conclusion, in the same manner, by the state board of pharmacy constituted as herein provided, or by the officer having jurisdiction in respect thereto. The provisions of this act shall not be construed so as to affect or impair any act done, or right accruing, accrued or acquired, or any penalty, forfeiture, or punishment incurred prior to the time when this act or any part thereof takes effect, under or by *virtiue of the law amended by such act, but the same may be asserted, enforced, prosecuted or inflicted, as fully and to the same extent as if this amendatory act had not been passed.

§ 4. Section three hundred and eighteen of such chapter is hereby repealed.

§ 5. This act shall take effect August first, nineteen hundred and ten, except that the provisions contained in section two hundred and thirty-one, which relate to the nomination and appointment of members of the state board of pharmacy and the organization of said board, shall take effect immediately.

VI. REGISTRATION OF NURSES

Public Health Law (*L.* 1909, *ch.* 49) *art.* 12

Section 250. Who may practice as registered nurses.
251. Board of examiners; examination; fees.
252. Waiver of examination.
253. Violations of this article.

§ 250. Who may practice as registered nurses. Any resident of the state of New York, being over the age of twenty-one years and of good moral character, holding a diploma from a training school for nurses connected with a hospital or sanitarium giving a course of at least two years, and registered by the

* So in original.

regents of the university of the state of New York as maintaining in this and other respects proper standards, all of which shall be determined by the said regents, and who shall have received from the said regents a certificate of his or her qualifications to practice as a registered nurse, shall be styled and known as a registered nurse, and no other person shall assume such title, or use the abbreviation R. N. or any other words, letters or figures to indicate that the person using the same is such a registered nurse. Before beginning to practice nursing every such registered nurse shall cause such certificate to be recorded in the county clerk's office of the county of his or her residence with an affidavit of his or her identity as the person to whom the same was so issued and of his or her place of residence within such county. In every thirty-sixth month from the month of January, nineteen hundred and six, every registered nurse shall again cause his or her certificate to be recorded in the said county clerk's office, with an affidavit of his or her identity as the person to whom the same was issued, and of his or her place of residence at the time of such re-registration. Nothing contained in this article shall be considered as conferring any authority to practice medicine or to undertake the treatment or cure of disease in violation of article eight of this chapter.

§ 251. Board of examiners; examination; fees. The board of examiners of nurses appointed pursuant to laws of nineteen hundred and three, chapter two hundred and ninety-three, is continued. The New York state nurses' association at each annual meeting shall nominate for examiners two of their members who have had not less than five years' experience in their profession. Upon the expiration of the term of office of any examiner now in office the regents of the university of the state of New York shall from the candidates so nominated fill the vacancy for a term of five years and until his or her successor is chosen. An unexpired term of an examiner caused by death, resignation or otherwise, shall be filled by the regents in the same manner as an original appointment is made. The said regents, with the advice of the board of examiners above provided for, shall make rules for the examination of nurses applying for certification under this article, and shall charge for examination and for certification a fee of five dollars to meet the actual expenses, and shall report annually their receipts and expenditures under the provisions of this article, to the state comptroller, and pay the balance of receipts over expenditures to the state treasurer. The

said regents may revoke any such certificate for sufficient cause after written notice to the holder thereof and hearing thereon. No person shall thereafter practice as a registered nurse under any such revoked certificate.

§ 252. Waiver of examination. The regents of the university of the state of New York may upon the recommendation of said board of examiners, or upon evidence satisfactory to said regents waive the examination of any persons possessing the qualifications mentioned in section two hundred and fifty, who shall have been graduated before, or who were in training on the twenty-fourth day of April, nineteen hundred and three, and shall thereafter be graduated, and of such persons now engaged in the practice of nursing and who have had six years' experience in the practice of nursing in a general hospital prior to nineteen hundred and three, who make application in writing for such certificate prior to July first, nineteen hundred and thirteen. [*Amended by L.* 1913, *ch.* 390, *in effect April* 29, 1913.]

§ 253. Violations of this article. Any violation of this article shall be a misdemeanor. When any prosecution under this article is made on the complaint of the New York state nurses' association, the certificate of incorporation of which was filed and recorded in the office of the secretary of state on the second day of April, nineteen hundred and two, the fines collected shall be paid to said association and any excess in the amount of fines so paid over the expenses incurred by said association in enforcing the provisions of this article shall be paid at the end of each year to the treasurer of the state of New York.

VII. CHIROPODY

ARTICLE 13

CHIROPODY

Section 270. Pedic society of the state of New York.
271. Eligibility to certificate without examination.
272. Examinations.
273. Expenses.
274. Real and personal property.
275. Rules and regulations.
276. Privileges and immunities.
277. Falsely and knowingly claiming to be a member of such society a misdemeanor.

Section 278. Practicing without registering prohibited.
279. Persons not entitled to register unless holding a license.
280. Duty of county clerk.
281. Penalty for violations or neglect to comply with this article.
282. Construction of this article.

§ 270. Pedic society of the state of New York. The pedic society of the state of New York is continued and the officers thereof shall hold office until the expiration of their respective terms.

§ 271. Eligibility to practice without examination. All chiropodists practicing as such within the state of New York, on or before the third day of June, eighteen hundred and ninety-five, may, upon application to the regents of the university of the state of New York, and upon offering evidence satisfactory to said regents, receive from them a certificate which shall entitle the person to whom it is issued to practice chiropody within this state, provided that said certificate be filed with the county clerk of the county in which such person desires to practice chiropody, and provided further that application for such certificate be made to the regents of the university of the state of New York on or before January first, nineteen hundred and fourteen. [*Amended by L.* 1912, *ch.* 199, *and by L.* 1913, *ch.* 499, *in effect May* 14, 1913.]

§ 272. Examinations. On and after September first, nineteen hundred and twelve, no person not heretofore legally authorized to practice chiropody in the state of New York shall be permitted to engage in such practice unless he shall have been duly licensed so to do by the regents of the university of the state of New York, on the recommendation of the state board of medical examiners.

The regents shall admit to examinations any candidate who pays a fee of twenty-five dollars and submits evidence verified by oath and satisfactory to the regents that he is

(a) More than twenty-one years of age;

(b) Is of good moral character;

(c) Has a preliminary education satisfactory to the requirements of the board of regents;

(d) Has graduated from a school of chiropody maintaining a standard satisfactory to the regents.

Applicants from other states and countries, presenting credentials accepted as satisfactory by the regents and showing that they have been legally practicing chiropody for five years, may be admitted to a licensing examination in chiropody.

A school of chiropody shall not matriculate a student whose academic education is not equivalent to the standard required by the board of regents.

The state board of medical examiners, or a committee thereof, shall submit to the regents as required, lists of suitable questions for examination in anatomy and physiology of the feet, therapeutics, chemistry, minor surgery and bandaging. From these lists, the regents shall prepare question papers for all these subjects, which at any examination shall be the same for all candidates.

Examinations for licenses in chiropody shall be given at the medical examinations whenever and wherever held in this state, in accordance with the regents' rules, and shall be exclusively in writing and in English. Such examinations shall be conducted by a regents' official, who shall not be one of the state medical examiners. At the close of each examination, the regents' official in charge shall deliver the question and answer papers to the state board of medical examiners or to its duly authorized committee, who, without unnecessary delay, shall examine and mark the answers and transmit to the regents an official report signed by the secretary of the state board of medical examiners, stating the standing of each candidate in each branch and his general average, such report shall include the questions and answers and shall be filed in the public records of the university. If a candidate fails on first examination, he may, after not less than six months' further study, have a second examination without fee. If the failure be from illness or other cause satisfactory to the regents, they may waive the required six months' study.

On receiving from the state board of medical examiners an official report that an applicant has successfully passed the examination and is recommended for license, the regents shall issue a license to practice chiropody in keeping with the definition of chiropody, as given in this article. Every license shall be issued by the university under seal and shall be signed by each acting examiner in chiropody, by the secretary of the state board of medical examiners and by the officer of the university who approved the credentials which admitted the candidate to examination and shall state that the licensee has given satisfactory evidence of fitness as

to age, character, preliminary and professional education and of any other matters required by law, and that after full examination he has been found properly qualified to practice chiropody. If any person whose registration is not legal, because of some error, misunderstanding or unintentional omission, shall submit satisfactory proof that he had all requirements prescribed by law, at the time of his imperfect registration or irregular practice and was entitled to be legally registered, he may, on unanimous recommendation of the state board of medical examiners, receive from the regents, under seal, a certificate of the facts which may be registered by any county clerk and shall make valid the previous imperfect registration or irregular practice. Before any license is issued, it shall be numbered and recorded in a book kept in the regents' office and its number shall be noted in the license and a photograph of the licensee filed with the records. This record shall be open to public inspection and in all legal proceedings shall have the same weight as evidence as is given to a record of conveyance of land. [*Amended by L.* 1912, *ch.* 199, *in effect September* 1, 1912.]

§ 273. Expenses. The fees derived from the operation of this article shall be paid into the state treasury, and the legislature shall annually appropriate therefrom for the education department an amount sufficient to pay all proper expenses incurred pursuant to this article. [*Amended by L.* 1912, *ch.* 199, *in effect September* 1, 1912.]

§ 274. Real and personal property. The said "The pedic society of the state of New York" may purchase and hold such real and personal estate as the purposes of its corporation may require, but such property shall not exceed in value the sum of one hundred and fifty thousand dollars.

§ 275. Rules and regulations. The said "The pedic society of the state of New York" may make all needful by-laws, rules and regulations not inconsistent with any existing law, for the management of its affairs and property. The said "The pedic society of the state of New York" shall adopt and from time to time revise, add to, alter, amend or annul rules and formulas for the proper use of antiseptics in the practice of chiropody for the purpose of preventing diseases of the feet. And any chiropodist who performs any act of chiropody after receiving a copy of such rules and formulas without complying therewith and thereby causes septicemia or pyemia or other diseases shall on proof thereof be liable to the person so injured in damages to be sued

for and ascertained, in an action at law before any court of record of this state and proof of non-compliance with such rules and formulas or any of them after notice shall in any such action, be presumptive evidence of malpractice.

§ 276. Privileges and immunities. The said "The pedic society of the state of New York" shall be entitled to all the privileges and immunities granted to medical, dental and veterinary societies of this state.

§ 277. Falsely and knowingly claiming to be a member of such society, a misdemeanor. Any person who shall knowingly and falsely and with intent to deceive the public, claim or pretend to be a member of said pedic society, not being such member, shall be deemed guilty of a misdemeanor and punished accordingly. [*Amended by L.* 1912, *ch.* 199, *in effect September* 1, 1912.]

§ 278. Practicing without registering prohibited. Every license to practice chiropody before the licensee begins practicing thereunder shall be registered in a book kept in the clerk's office of the county where such practice is to be carried on, with the name, the residence, the place and date of birth, and the source, the number and date of his license to practice. Before registering, each licensee shall file, to be kept in a bound volume in a county clerk's office, an affidavit of the above facts, and also that he is the person named in such license and had before receiving the same complied with all requirements as to attendance and amount of study and examinations required by law and the rules of the university as preliminary to the conferment thereof; that no money was paid for such license except the regular fees paid by all applicants therefor; that no fraud, misrepresentation or mistake in any material regard was employed by any one or occurred in order that such should be conferred. Every license, or if lost, a copy thereof, legally certified so as to be admissible as evidence, or a duly attested transcript of the record of its conferment shall, before registering, be exhibited to the county clerk, who, only in case it was issued or indorsed as a license under seal by the regents shall indorse or stamp on it the date and his name, preceded by the words "Registered as authority to practice chiropody in the clerk's office of ..... county." The clerk shall thereupon give to every chiropodist so registered, a transcript of the entries in the register with a certificate, under seal, that he

has filed the prescribed affidavit. The regents may, in their discretion and for cause deemed by them to be satisfactory, indorse as a license a certificate issued by the pedic society of the state of New York, prior to September first, nineteen hundred and twelve, notwithstanding the failure of the holder thereof to cause the same to be registered prior to such date as required by the law then in force, provided application for such indorsement be made within three months after the taking effect of this act. [*Amended by L.* 1912, *ch.* 199, *and by L.* 1914, *ch.* 317, *in effect April* 14, 1914.]

§ 279. Persons not entitled to register unless holding a license. No person shall be entitled to register as a chiropodist unless he or she shall hold the license provided for in section two hundred and seventy-two of this article, or a certificate issued by the pedic society of the state of New York, and indorsed by the regents as provided in the preceding section. Every unrevoked certificate and indorsement of registry made as provided in this article, shall be presumptive evidence in all courts and places that the person named therein is legally registered. After September first, nineteen hundred and twelve, no person shall register any authority to practice chiropody unless it has been issued or indorsed as a license by the regents. No such registration shall be valid unless the authority registered constituted at the time of the registration a license under the laws of the state then in force. [*Amended by L.* 1912, *ch.* 199, *and by L.* 1914, *ch.* 317, *in effect April* 14, 1914.]

§ 280. Duty of county clerk. The county clerk of each county shall provide a book to be known as the register of chiropodists, in which shall be recorded the matters in section two hundred and seventy-eight of this article set forth, and shall thereupon give to every registrant a transcript of the entries in the register with a certificate under seal that he has filed the prescribed affidavits. Every applicant who shall have complied with the foregoing provisions and shall be admitted to registration shall pay to the clerk of said county the sum of one dollar, which shall be received as full compensation for such registration, affidavit and certificate. A practicing chiropodist having registered a lawful authority to practice chiropody in one county and removing such practice or a part thereof to another county or regularly engaged in practicing or opening an office in another county, or shall have his office, practice or any part thereof

removed from one county to another by an act of legislature creating a new county from a then existing county, thereby causing his office or practice to be situated in a new county, shall show or send by registered mail to the clerk of such other or new county his certificate of registration. If such certificate clearly shows that the original registration was under the provisions of any law now or heretofore in effect or of an authority issued under seal by the regents, or if the certificate itself is indorsed by the regents as entitled to registration, the clerk shall thereupon register the applicant in the latter or new county on receipt of a fee of twenty-five cents, and shall stamp or indorse on such certificate the date and his name preceded by the words "registered also in ..... county," and return the certificate to the applicant. [*Amended by L.* 1912, *ch.* 199, *and L.* 1915, *ch.* 55, *in effect March* 11, 1915.]

§ 281. Penalty for violations or neglect to comply with this article. Any person who shall present to any county clerk for the purpose of registration, any license which has been fraudulently obtained, or shall obtain any license under this article by any false or fraudulent statement or representation, or shall practice chiropody or any branch thereof within this state without conforming to the requirements of this article, or shall otherwise violate or neglect to comply with any of the provisions of this article, shall be guilty of a misdemeanor, and shall on conviction, for each and every offense be punished by a fine of not less than fifty dollars nor more than one hundred dollars, or by imprisonment for a term not less than thirty days and not more than one year, or by both fine and imprisonment. Any person who shall practice chiropody under a false or assumed name or shall falsely personate another practitioner or former practitioner of a like or different name, shall likewise be guilty of a misdemeanor and punished accordingly. The regents may revoke the license of a chiropodist or annul his registration or do both in any of the following cases:

(a) Conviction of a felony; (b) Fraud or deceit in practice; (c) If the practitioner be a habitual drunkard or be habitually addicted to the use of morphine, opium, cocaine, or other drugs having a similar effect; (d) If the practitioner undertakes or engages in any practice beyond the privileges and rights accorded to him in his license; (e) If his license has been obtained through any false or fraudulent representations or actions upon his part.

Proceedings for the revocation of a license or the annulment of a registration shall be begun by filing the written charge or charges against the accused. These charges may be preferred by any person or corporation, or the regents may on their own motion direct the executive officer of the board of regents to prefer said charges. Said charges shall be filed with the executive officer of the board of regents and a copy thereof shall be filed with the secretary of the board of medical examiners, which latter body shall designate a committee, of their number, to hear and determine said charges. The time and place for the hearing of said charges shall be fixed by said committee as soon as convenient, and a copy of the charges, together with a notice of the time and place when they will be heard and determined, shall be served upon the accused or his counsel at least ten days before the date actually fixed for such hearing. Service shall be in person or by publication and shall indicate a definite time and place for a hearing. At said hearing the accused shall have the right to cross-examine the witnesses against him and to produce witnesses in his defense and to appear personally or by counsel. The said committee shall make a written report of its findings and recommendations to be signed by all its members and the same shall be forthwith transmitted to the executive officer of the board of regents. If the said committee shall unanimously find that said charges or any of them are sustained and shall unanimously recommend that the license of the accused be revoked or his registration be annulled, the regents may thereupon, in their discretion, revoke said license or annul said registration, or do both. If the regents annul such registration, they shall forthwith transmit to the clerk of the county or counties in which said accused is registered as a chiropodist, a certificate under their seal certifying that such registration has been annulled, and said clerk shall, upon receipt of such certificate, file the same and forthwith mark said registration "Annulled." Any person who shall practice chiropody, after his registration has been marked "Annulled," shall be deemed to have practiced chiropody without registration, and in violation of this article. But nothing in this article shall be construed to prohibit any duly and legally licensed or authorized physician or surgeon from practicing chiropody or any branch thereof. When any prosecution under this article is made on the complaint of " The pedic society of the state of New York," the fines when collected shall be paid to the said " The pedic society of the

state of New York," and any excess of the amount of such fines over the expenses incurred by the said society in enforcing the law of this state relating to the practice of chiropody, shall be paid at the end of the year by the said society to the treasurer of the state of New York for the common school fund. [*Amended by L.* 1912, *ch.* 199, *in effect September* 1, 1912.]

§ 282. Construction of this article. For the purpose of this article "chiropody" is understood to be the surgical treatment of abnormal nails, all superficial excrescenses occurring on the hands and feet, such as corns, warts or callosities, and the treatment of bunions; but it shall not confer the right to operate upon the hands or feet for congenital or acquired deformities, or for conditions requiring the use of anæsthetics other than local, or incisions involving structures below the level of the true skin.

VIII. OPTOMETRY

Public Health Law (*L.* 1909, *ch.* 49) *art.* 15

Section 300. Definition; application of article.
301. State board of examiners.
302. Powers of board.
303. Examinations; certificates of practitioners.
304. Certificate to be recorded and displayed.
305. Fees.
306. Revocation of certificate.
307. Violations of article.
308. Construction of article.

§ 300. Definition; application of article. The practice of optometry is defined to be the employment of any means, other than the use of drugs, for the measurement of the powers of vision and the adaptation of lenses for the aid thereof.

§ 301. State board of examiners. The board of examiners in optometry is continued. The members of said board now in office shall continue in office until the expiration of their respective terms. Such board of examiners shall consist of five persons, appointed by the state board of regents, and shall possess sufficient knowledge of theoretical and practical optics to practice optometry and shall have been residents of this state actually engaged in the practice of optometry for at least five years. The term of each member of said board shall be three years, or until

his successor is appointed, and vacancies shall be filled for the unexpired term only.

§ 302. Powers of board. Said board of examiners shall, subject to the approval of the regents, make such rules and regulations, not inconsistent with the law, as may be necessary for the proper performance of its duties; any member of the board may upon being duly designated by the board, or a majority thereof, administer oaths or take testimony concerning any matter within the jurisdiction of the board.

§ 303. Examinations; certificates of practitioners. Every person desiring to commence or to continue the practice of optometry after January first, nineteen hundred and nine, except as hereinafter provided, upon presentation of satisfactory evidence, verified by oath, that he is more than twenty-one years of age, of good moral character, has a preliminary education equivalent to at least two years in a registered high school, and has also studied at least three years in a registered optometrist's office, or has graduated from a school of optometry, maintaining a standard satisfactory to said board of regents, shall take an examination before said board of examiners to determine his qualifications therefor. Every candidate successfully passing such examination shall be registered by said board of regents as possessing the qualifications required by this article, and shall receive from said board of regents a certificate thereof, but any person who shall submit to said board of examiners satisfactory proof as to his character, competency, and qualifications, and that he has been continuously engaged in the practice of optometry in this state for more than two years next prior to the time that chapter four hundred and sixty of the laws of nineteen hundred and eight took effect, may upon the recommendation of said board of examiners receive from the board of regents a certificate of exemption from such examination, which certificate shall be registered and entitle him to practice optometry under this article. Every person who was, on the twenty-first day of May, nineteen hundred and eight, when section two hundred and nine-d of the public health law, as then known, took effect, entitled to a certificate of exemption as therein provided, but who failed or neglected to make application therefor and present evidence to entitle him thereto, on or before January first, nineteen hundred and nine, as provided by said section, must make such application and present such evidence on or before July first, nineteen hundred and nine, or he

shall be deemed to have waived his right to such certificate. Before any certificate is issued it shall be numbered and recorded in a book kept in the regents' office and its number shall be noted upon the certificate. A photograph of the person registered shall be filed with the record and a duplicate thereof affixed to the certificate. In all legal proceedings the record and photograph so kept in the regents' office or certified copies thereof shall be prima facie evidence of the facts therein stated. [*As amended by L.* 1909, *ch.* 134.]

§ 304. Certificate to be recorded and displayed. Every person to whom a certificate of either registration or exemption shall be issued shall immediately cause the same to be recorded in the clerk's office in the county of his residence, and also in the clerk's office of each other county wherein he shall then practice or thereafter commence the practice of optometry; every person practicing optometry must also display his certificate of registration or exemption in a conspicuous place in the principal office wherein he practices optometry and, whenever required, exhibit such certificate to said board of examiners or its authorized representatives. And whenever practicing said profession of optometry outside of, or away from, said office or place of business, he shall deliver to each customer or person so fitted with glasses, a bill of purchase, which shall contain his signature, home post-office address, and the number of his certificate of registration or exemption, together with a specification of the lenses furnished and the price charged therefor.

§ 305. Fees. The fee for such examination shall be fifteen dollars; for a certificate of registration, ten dollars, and for a certificate of exemption, five dollars, to be paid to the board of regents and constitute a fund for expenses made necessary by this article. Such fees shall be paid into the state treasury and the legislature shall annually appropriate therefrom for the education department an amount sufficient to pay all proper expenses incurred pursuant to this article. The fee to be paid to the county clerk for recording a certificate shall be fifty cents.

§ 306. Revocation of certificate. The board of regents shall have power to revoke any certificate of registration or exemption granted by it under this article, the holder of which is guilty of any fraud or deceit in his practice, has been convicted of crime, or is an habitual drunkard, or grossly incompetent to practice optometry. Proceedings for revocation of a

certificate or the annulment of registration shall be begun by filing a written charge or charges against the accused. These charges may be preferred by any person or corporation, or the regents may on their own motion direct the executive officer of the board of regents to prefer said charges. Said charges shall be filed with the executive officer of the board of regents, and a copy thereof filed with the secretary of the board of optometry examiners. The board of optometry examiners, when charges are preferred, shall designate three of their number as a committee to hear and determine said charges. A time and place for the hearing of said charges shall be fixed by said committee as soon as convenient, and a copy of the charges, together with a notice of the time and place when they will be heard and determined, shall be served upon the accused or his counsel, at least ten days before the date actually fixed for said hearing. Where personal service or service upon counsel cannot be effected, and such fact is certified on oath by any person duly authorized to make legal service, the regents shall cause to be published for at least seven times for at least twenty days prior to the hearing, in two daily papers in the county in which the optometrist was last known to practice, a notice to the effect that at a definite time and place a hearing will be had for the purpose of hearing charges against the optometrist upon an application to revoke his certificate. At said hearing the accused shall have the right to cross-examine the witnesses against him and to produce witnesses in his defense, and to appear personally or by counsel. The said committee shall make a written report of its findings and recommendations, to be signed by all its members, and the same shall be forthwith transmitted to the executive officer of the board of regents. If the said committee shall unanimously find that said charges, or any of them, are sustained, and shall unanimously recommend that the certificate of the accused be revoked or his registration be annulled, the regents may thereupon, in their discretion, revoke said certificate or annul said registration, or do both. If the regents shall annul such registration, they shall forthwith transmit to the clerk of the county or counties in which said accused is registered as an optometrist, a certificate under their seal certifying that such registration has been annulled, and said clerk shall, upon receipt of

said certificate, file the same and forthwith mark said registration "annulled." Any person who shall practice optometry after his registration has been marked "annulled" shall be deemed to have practiced optometry without registration. Where the certificate of any person has been revoked, or his registration has been annulled as herein provided, the regents may, after the expiration of one year, entertain an application for a new certificate, in like manner as original applications for certificates are entertained; and upon such new application they may in their discretion exempt the applicant from the necessity of undergoing any examination.

§ 307. Violations of article. No person not a holder of a certificate of registration or exemption duly issued to him and recorded as above provided shall after January first, nineteen hundred and nine, practice optometry within this state. No person shall falsely personate a registered optometrist of a like or different name, nor buy, sell or fraudulently obtain a certificate of registration or exemption issued to another. Practicing or offering to practice optometry, or the public representation of being qualified to practice the same by any person not authorized to practice optometry, shall be sufficient evidence of a violation of this article. No person practicing or offering to practice optometry shall publicly represent himself to be a doctor, or shall assume the title of doctor or use such title or any abbreviation thereof in his practice, unless the right to use the same has been conferred upon him by some duly authorized college or university, prior to the taking effect of this act. Any violation of the provisions of this article shall be a misdemeanor and courts of special sessions shall have jurisdiction of all such violations. [*Amended by L.* 1913, *ch.* 498, *in effect May* 14, 1913.]

§ 308. Construction of article. Nothing in this article shall be construed to apply to duly licensed physicians authorized to practice medicine under the laws of the state of New York nor to persons who neither practice nor profess to practice optometry, who sell spectacles, eyeglasses or lenses either on prescription from such physicians or from such duly qualified optometrists, or as merchandise from permanently located and established places of business.

IX. PUBLIC ACCOUNTANTS

General Business Law (*L.* 1909, *ch.* 25)

§ 80. Certified public accountants. Any citizen of the United States, or person who has duly declared his intention of becoming such citizen, residing or having a place for the regular transaction of business in the state, being over the age of twenty-one years and of good moral character, and who shall have received from the regents of the university a certificate of his qualifications to practice as a public expert accountant as hereinafter provided, shall be styled and known as a certified public accountant; and no other person shall assume such title, or use the abbreviation C. P. A. or any other words, letters, or figures, to indicate that the person using the same is such certified public accountant. Any citizen of the United States who has practiced three years as a certified public accountant in another state, under a license or a certificate of his qualifications to so practice, issued by the proper authorities of such state, may, upon payment of the regular fee, in the discretion of the regents of the university, receive a certificate to practice as a certified public accountant without an examination. But he must possess the qualifications required by the rules of the regents of the university and must furnish satisfactory evidence of character and qualifications. [*Amended by L.* 1913, *ch.* 443, *in effect May* 8, 1913.]

§ 81. Regents to make rules. The regents of the university shall make rules for the examination of persons applying for certificates under this article, and may appoint a board of three examiners for the purpose, which board shall be composed of certified public accountants. The regents shall charge for examination and certificate such fee as may be necessary to meet the actual expenses of such examinations, and they shall report, annually, their receipts and expenses under the provisions of this article to the state comptroller, and pay the balance of receipts over expenditures to the state treasurer. The regents may revoke any such certificate for sufficient cause after written notice to the holder thereof and a hearing thereon.

§ 82. Misdemeanor. Any violation of this article shall be a misdemeanor.

X. CERTIFIED SHORTHAND REPORTERS

General Business Law (*L.* 1909, *ch.* 25)

ARTICLE 8-A

Certified shorthand reporters

(*Article added by L.* 1911, *ch.* 587, *and amended by L.* 1913, *ch.* 249.)

Section 85. Certified shorthand reporter; defined.
86. Qualifications.
87. Idem; examination and certification; revocation.
88. Exceptions.
89. Extension of waiver.
89-a. Violations.

§ 85. Certified shorthand reporter; defined. A certified shorthand reporter is one who has been adjudged competent to report court proceedings, references, commissions, conventions, deliberative assemblies or meetings of like character. [*Added by L.* 1913, *ch.* 249, *in effect April* 10, 1913.]

§ 86. Qualifications. Any citizen of the United States, or person who has duly declared his intention of becoming such citizen, residing or having a place for the regular transaction of business in this state, being over the age of twenty-one years, and of good moral character, and who shall have received from the regents of the university a certificate of his qualifications to practice as a public shorthand reporter as hereinafter provided, shall be styles and known as a certified shorthald *reported, and no other person shall assume such title or use the abbreviation C. S. R., or any other words, letters or figures to indicate that the person using the same is such certified shorthand reporter. [*Renumbered and amended by L.* 1913, *ch.* 249, *in effect April* 10, 1913.]

§ 87. Idem; examination and certification; revocation. The regents of the university shall appoint a board of three examiners, which board shall after the year nineteen hundred and fourteen be composed of certified shorthand reporters. The term of office of the members of such board of examiners shall be three years, except that of the first board appointed under this article, one member shall hold office for one year, one member for two years, and one member for three years, such respective terms to be determined by the regents of the university, who shall also fill any vacancies which may occur in such board. Said board of

* So in original.

examiners shall, subject to the approval of the regents, make such rules and regulations, not inconsistent with the law, as may be necessary for the proper performance of its duties. Any member of the board may, upon being duly designated by the board or a majority thereof, administer oaths or take testimony concerning any matter within the jurisdiction of the board. The regents shall charge for examination and certificates such fee as may be necessary to meet the actual expenses of such examinations, and they shall report annually their receipts and expenses under the provisions of this article to the state comptroller, and pay the balance of the receipts over expenditures to the state treasurer. The regents may revoke any such certificate for sufficient cause after written notice to the holder thereof, and a hearing thereon. [*Renumbered and amended by L.* 1913, *ch.* 249, *in effect April* 10, 1913.]

§ 88. Exceptions. Any person who shall submit to said board of examiners satisfactory proof as to his character, competency and qualifications, and that he has been actively engaged in the practice of shorthand reporting for more than three years before the enactment of this article, as hereby amended, or who is at the time this article, as amended, takes effect a shorthand reporter duly appointed as an official in any court of this state, and who shall apply for such certificate on or before January first, nineteen hundred and fourteen, may, upon the recommendation of said board of examiners, receive from the board of regents a certificate of exemption from such examination, which certificate shall be registered and entitle him to practice as a certified shorthand reporter under this article. [*Renumbered and amended by L.* 1913, *ch.* 249, *in effect April* 10, 1913.]

§ 89. Extension of waiver. Any person who was on the thirtieth day of June, nineteen hundred and eleven, entitled to a certificate of exemption as formerly provided by this article, but who failed or neglected to make application therefor and to present evidence to entitle him thereto on or before June thirtieth, nineteen hundred and twelve, must make such application and present such evidence on or before January first, nineteen hundred and fourteen, or he shall be deemed to have waived his right to such certificate. [*Added by L.* 1913, *ch.* 249, *in effect April* 10, 1913.]

§ 89-a. Violations. Any violation of the provisions of this article shall be a misdemeanor. [*Renumbered by L.* 1913, *ch.* 249, *in effect April* 10, 1913.]

ARTICLE 7-A

XI. Registered Architects

General Business Law (*L.* 1909, *ch.* 25.)

[*Article inserted by L.* 1915, *ch.* 454, *in effect April* 28, 1915.]

Section 77. Registered architects.
78. Board of examiners.
79. Qualifications; examinations; fees.
79-a. Certificates.
79-b. Violation of article.

§ 77. Registered architects. Any person residing in or having a place of business in the state, who, before this article takes effect, shall not have been engaged in the practice of architecture in New York state, under the title of architect, shall, before being styled or known as an architect, secure a certificate of his qualification to practice under the title of architect, as provided by this article. Any person who shall have been engaged in the practice of architecture under the title of architect, before this article takes effect, may secure such certificate, in the manner provided by this article. Any person having a certificate pursuant to this article may be styled or known as a registered architect. No other person shall assume such title or use the abbreviation R. A., or any other words, letters or figures to indicate that the person using the same is a registered architect.

§ 78. Board of examiners. The regents of the university shall, within ninety days after this article takes effect, appoint a board of five examiners who shall make rules for the examination and registration of candidates for such certificates, subject to the approval of the board of regents. Such board of examiners shall be composed of architects, who have been in active practice in the state of New York for not less than ten years, previous to their appointment, selected by the regents. Such examiners shall be entitled to such compensation for their services under this article as the board of regents shall determine, not exceeding in the aggregate the amount of fees collected from applicants for certificates.

§ 79. Qualifications; examination; fees. Any citizen of the United States, or any person who has duly declared his intention of becoming such citizen, being at least twenty-one years

of age and of good moral character, may apply for examination or certificate of registration under this article, but before securing such certificate shall submit satisfactory evidence of having satisfactorily completed the course in an approved high school or the equivalent thereof and subsequent thereto of having satisfactorily completed such courses in mathematics, history and one modern language, as are included in the first two years in an approved institution conferring the degree of bachelor of arts. Such candidate shall in addition submit satisfactory evidence of at least five years' practical experience in the office or offices of a reputable architect or architects, commencing after the completion of the high school course. The board of examiners may accept satisfactory diplomas or certificates from approved institutions covering the course required for examination. Upon complying with the above requirements, the applicant shall satisfactorily pass an examination in such technical and professional courses as are established by the board of examiners. The board of examiners in lieu of all examinations may accept satisfactory evidence of any one of the qualifications set forth under subdivisions one and two of this section.

1. A diploma of graduation or satisfactory certificate from a recognized architectural college or school, together with at least three years' practical experience in the office or offices of a reputable architect or architects; but the three years' experience shall be counted only as beginning at the completion of the course leading to the diploma or certificate;

2. Registration or certification as an architect in another state or county, where the standard of qualifications for the same are* not lower than those required by the board of examiners under this article;

3. The board of examiners in lieu of all examinations shall accept satisfactory evidence as to the applicant's character, competency and qualifications, and that he has been continuously and exclusively engaged in the practice of architecture for more than two years next prior to the date when this article shall take effect; or satisfactory evidence that the applicant has been actually and exclusively engaged in the practice of architecture on his own account or as a member of a reputable firm or association for more than one year prior to the date when this article shall take effect; providing the application for such certification shall be made within one year of such date.

* So in original.

Every person applying for examination or certificate of registration under this article shall pay a fee of twenty-five dollars to the board of regents.

§ 79-a. Certificates. The result of every examination or other evidence of qualification, as provided by this article, shall be reported to the board of regents by the board of examiners, and a record of the same shall be kept by the board of regents, and such board shall issue a certificate of registration to every person certified by the board of examiners as having passed such examination or as being otherwise qualified to be entitled to receive the same. Every person securing such certificates shall file the same with the county clerk of the county in which he resides or maintains a place of business. The board of regents may revoke any certificate, if such action be recommended by the board of examiners, after thirty days' written notice to the holder thereof and after a hearing before the board of examiners, upon proof that such certificate has been obtained by fraud or misrepresentation, or upon proof that the holder of such certificate has been guilty of felony in connection with the practice of architecture.

§ 79-b. Violation of article. Any violation of this article shall be a misdemeanor, punishable for the first offense by a fine of not less than fifty and not more than one hundred dollars, and for a subsequent offense by a fine of not less than two hundred nor more than five hundred dollars, or imprisonment for not more than one year, or both.

INDEX

Abolition of libraries, 257
Academic departments, 3
  academies changed to, 87
  apportionment, 129
    for non-resident pupils, 130
  boards of education, powers, 86–87
  establishment, 83
Academic examinations, 9
Academic pupils, tuition in contracting districts, 147
Academic quota, 129
Academies
  apportionment to, 129
  changed to academic departments, 87
  charters, 11
  defined, 3
  dissolution, 14–16
  retransfer to former trustees, 87
  trustees, 86–87
Accountants, 10, 475
Actions
  against school officers, 191
  county judge to compel district to levy tax for costs, 191, 192–93
  expenses of district officers in defending, tax for, 58
  for recovery of taxes, 113–14
  supervisors sue for money due from school officers, 38–39
  teachers' wages, unpaid, 58
  trustees, against predecessor, 73–74
    provisions of code of civil procedure, 332
Affidavits, commissioner of education may take, 28
  district superintendents may take, 104
Age of pupils, 141, 158
Agricultural education, advisory board in relation to, 364–65
Agriculture, apparatus for teaching, 57, 69, 71, 82
  instruction in, in central rural schools, 48
Agriculture, schools of, 50, 147–52, 220–34, 277–78
  authority of the board of education over, 149
  courses for training of teachers, 152
  estimates and appropriations, 151
  sites and buildings, 57, 69, 82, 124, 125
  state aid for, 149–50
  supervision by commissioner of education, 27
Alcoholic drinks, *see* Physiology and hygiene
Alfred University, state school of agriculture, 227–28
Annual meetings, *see* School meetings
Apparatus
  apportionment for, 130
  boards of education to purchase, 82, 83
  district to vote tax for, 57
  exempt from taxation, 43
  expenditures for, 71
  loans, 10
  purchase of, from proceeds of sale of school-house or site, 122
  repairs, 71
Appeals
  from action of joint meeting altering school districts, 33
  to commissioner of education, 193–95
  from district superintendents' acts and decisions, 105
  district superintendents to report testimony to commissioner of education, 104
  expenses of district officers, tax for, 58
  See also Decisions
Appellate division libraries, 261–62
Appointments of officers and employees of education department, 5

Apportionment, *see* Public library money; School libraries; School moneys
Arbor day, 177–78
Architects, registered, 478–80
Archives in state library, 250
Art, works of, 57, 71
  apportionment for, 130
Art associations, incorporation, 11–12
Assessment, *see* Taxes
Associations, incorporation, 11–12
Athletic centers, 57, 69, 70, 71, 82, 124, 125
Attendance
  compulsory, 158
    of Indians, 198
  record of, 139, 162
Attendance officers, 163
  Indian schools, 200
  interference with, 164
Attorneys, admission of, 394–410

Ballot boxes
  boards of education to provide, 78
  trustees shall provide, 61
Ballots in common school districts, form of, 61
Banking law, extract from, 359
Banks
  savings, in schools, 359
  taxation of, 315–19
Beekman, assessment for school purposes of certain state lands in, 116
Bequests
  authorized, 383–85
  to corporations, 382
  of personal property other than money or securities exempt, 391
  transfer tax, exemptions from, 391
  See also Gifts; Trusts
Birds, birds' nests and eggs, permit to make collection, 393
Blackboards, district to vote tax for, 57
Blind, commission for, 369–72
  instruction of, 201–7
  required attendance, 158
  state school for, 207–12

Boards of education, 74–90
  academy, may adopt as academic department, 87
  appointment of officers in union free school district, 66
  bonds, issue, 125–26
  central rural schools, duties relating to, 49, 50
  condemnation of land for schoolhouse site, 123
  of consolidated district, 36
  contracts with trustees in other districts, 146
  corporate bodies, 75–76
  defined, 4
  election, 40–41, 77–78
    disputes concerning, 78–79
    in new district, 79
    inspectors, 77
    notice of, 77
    record of votes, 77–78
    special, 78
  expenditures, limitation upon, 85
  fire drills, duties relating to, 177
  fire escapes, construction, 118
  industrial and trade schools, duties relating to, 147–48
  ineligibility, 59–60
  kindergartens, to maintain, 84–85
  library property, transfer of, 259
  meetings, 85
    annual, 79
  members, school officers, 4
  night schools, to maintain, 84–85
  normal schools, contract for education of children in, 188
  number of members in certain districts, 80
  physical training, duties relating to, 174
  powers and duties, 81–84
  president, 76
  records, 87–88
  removals from office, 28–29, 81, 84
  reports, 87–88
    filed with commissioner of education on request, 29
  report of pupils from other districts, 147

Boards of education (*continued*)
school libraries, appointment of librarian, 258
school meetings, duties relating to, 41, 43
special, may call, 54
school moneys, custody and payment of, 85–86
estimate of expenditures, 88
school-house and grounds, supervision, 119
school-houses, outbuildings, provision for, 121
sites, designation without vote, 121
superintendent of schools, supervision, 85
supervision by commissioner of education, 29
taxes for payment of bonded indebtedness of school district, to raise, 37
certified to corporate authorities, 89
may levy without vote, 89
teachers, contract with, 140
relationship to, 140
training schools or classes, may establish, 182
term of office, 76, 79, 80, 81
text-books, to designate, 169–70
to furnish, 170
title to lands vested in, 123
trustees, powers of, 86–87
of union school district, election, 40–41
vacancies in office, 62
how filled, 83–84
visitation of schools, 85
waterclosets, to provide, 84
See also Trustees; Union free school districts
Boards of supervisors, *see* Supervisors
Bond
collector's, 57, 65–66, 66–67, 110, 136
recovery of money on, 67
supervisor's, for school moneys, 94–95
treasurer's, 57, 64–65, 66–67, 136
treasurer of temporary districts, 46
Bonded indebtedness, charge upon enlarged district, 37
of school districts, apportionment by district superintendent, 31–32
Bonds, 124, 125–26
legalizing, 360–64
rate of interest, 364
sale, notice of, 125
payment of proceeds, 64
sale of site to be taken as security for, 122
Books
bought with public money, approval of, 257
forfeiture of grants, 255–56
subject to return to state, 257
of delinquent libraries, 257
loans, 10
penalties for detention, 255
regents may buy for libraries, 256
standard for local subsidies, 253
Books and apparatus, apportionment for, 130
Botanist, state, member of museum staff, 11
Branch institutions, establishment restricted, 12
Branch libraries, 252
Branch schools, establishment, 71–72
Bronx, law library for county officials, 275–76
Brooklyn schools, anniversary day, 331
Building for education department, 6
Buildings, *see* School-houses
Bulletins, publication authorized, 6
Business corporations law, extract from, 378
Business schools, use of name college, 17

Cadavers for medical colleges, 328–29
Camps, temporary school districts in, 45
Census
Indian inhabitants, 200
New York city, 167, 169
school, 166–69
expenses, how paid, 129
Central rural schools, 48–51

Certificates
issued by institutions of other states or countries, regents may fix value of, 10
protection against fraud, 17
See also Credentials; Normal schools; Teachers' certificates
Certified public accountants, 10, 475
Certified shorthand reporters, 476–77
Chancellor of university, 8
duties, 8
meetings, to call, 8
signature to reports, 6
Charters, corporations
business corporations law, 378
constitutional provisions, 378
membership corporations law, 379
Charters of university institutions, 11
alteration or repeal, 12
conditions of granting, 12
library, 254
property requirements, 12
provisional, 12
restrictions, degree-conferring power, 17
surrender, 17
suspension, 11
Children, employment, 160–61, 336–54
See also Pupils; School age
Chiropody, practice of, 462–70
Christian Science, practice of, 420
Circulation, subsidies granted on, 253
Cities
apportionment to, 127, 128, 129–31
deposit, custody and payment of moneys in, 85–86
libraries, 252
property in trust for common schools, 135
school district for purposes of apportionment, 134
supervisory districts shall not form part of, 96–97
taxes, corporate authorities to levy, 89
teachers' training schools or classes, 182
treasurer or chamberlain, certificate of apportionment of school moneys to, 132
Civil procedure, code of, extract from, 332
Clerk, *see* District clerk
Cobleskill, state school of agriculture at, 228–31
Code of civil procedure, extract from, 332
Collection of taxes, *see* Taxes
Collector
bond, 57, 65–66, 66–67, 110, 136
recovery of money on, 67
county treasurer, payment of tax to collector, 113
custody of moneys, 67
disbursement of moneys, 92
district treasurer, payment of moneys to, 64, 67
election in common school districts, 56
fees, 111–12
in each school district, 59
jurisdiction, 110
liability of, for moneys lost, 67
notification of election, 64
payment of moneys, 136
railroad companies, assessment and tax, 112
receipt for taxes, 321
removal of, 28–29
reports of receipts and disbursements, 67
school officer, 4
taxes, notice of receiving, 111
unpaid, return of, 114
warrants for collection of, 110
teachers' fund, to disburse, 66
trustee, may not hold office of, 60
not to draw on for teachers' wages unless record is verified, 139
in union free school district, 66
vacancy in office, 62
how filled, 63
Colleges, 4
defined, 3
degree-conferring power, 12
incorporation, conditions of, 12
name, use of, 17
trusts, may hold, 384, 386
water-works and sewer systems, may construct, 20–22

Colonial history, extra copies, 251
Colored children, schools for, 196
Columbus day, 331
Commissioner of education, 3, 26–30
academy, approval of adoption as academic department, 87
affidavits, may take, 28
agriculture, schools of, supervision, 27
appeals or petitions to, 193–95
appointment of officers and employees, 5
Arbor day, to prescribe exercises for, 178
assistant commissioners, appointments, 5
may take testimony, 9
removals and suspensions, 5
boards of education, election disputes, to decide, 78–79
may order new election, 79
removal from office, 28–29, 81
supervision, 29
buildings, new, plans and specifications must be approved by, 117–18
central rural schools, powers and duties, 48
chief executive officer of state system of education and of regents, 5, 27–28
city schools, supervision, 29
collector, removal of, 28–29
compulsory education law, withholding state moneys for failure to comply with, 166
contingent expenses, decisions on, conclusive, 89
contracts between school districts for education of pupils, approval of, 146
deaf and blind, institutions for, duties relating to, 201, 204
district clerk, removal of, 28–29
district election disputes, determination of, 78–79
district superintendents, appeals from acts of, to be taken to, 105
election disputes, to decide, 105
Commissioner of education (*cont'd*)
district superintendents (*cont'd*)
examinations in agriculture, to prescribe, 100
expenses, may audit and allow, 101
to perform duties of another superintendent when requested by, 104–5
may remove from office, 101, 102
reports, 105
to report testimony in appeal cases to, 104
salary, payment of, 101
salary, may withhold, 102
subject to rules prescribed by, 105
vacancy in office, duties relating to, 101
district treasurer, removal of, 28–29
education department, administration of, 27–28
election by regents, 26
elected without regard to place of residence, 27
extension of educational facilities, 10
farm schools, powers relating to, 156–57
fines, apportionment of, 189
forms, preparation of, 28
homemaking, schools of, supervision, 27
Indian children, duties regarding, 197
industrial and trade schools, apportionment for, 149–51
supervision, 27
inspection, duties relating to, 11, 27, 29
laws, enforcement of, 27
mechanic arts, schools of, supervision, 27
medical inspection, powers and duties, 144
normal college, control of, 187
normal school diploma, annulment, 28

Commissioner of education (*cont'd*)
normal schools, powers and duties, 27, 183, 184
contract for education of children in, 188
oaths, power to administer, 28
office continued, 26
patriotic exercises, provision for, 176
penalty for falsely claiming to represent, 190
physical training, duties relating to, 174, 175
physiology law, duties relating to, 172–73
powers and duties, 27–28
property to be held in trust for common schools, 135
question papers for Cornell University scholarships, to direct preparation, 217
registers, blanks, forms, preparation of, 28
removals and suspension, 5
reports, to the legislature, 6
from boards of education, to require, 88
filed with county clerk and county treasurer, may require, 29
of school officers, to require, 29
of school trustees, to prescribe form of, 72, 73
responsible for books, records and other property, 27–28
responsible for seal, 27
rules of regents, to enforce, 29
salary, 27
scholarships, duties relating to, 23, 25
school commissioner, removal of, 29
school districts, appeal to from action of meeting altering, 33
minutes of meeting to organize union school to be filed with, 41
proceedings of meeting, to be notified of, 43
Commissioner of education (*cont'd*)
school libraries, powers and duties, 257–58
rules regarding, 257–58
school library moneys, may withhold, 259–60
school meetings, authorization of notice, 35
special, may call, 53
of two or more districts, may order, 40
school moneys, apportionment, 127–28
certificate of apportionment, 132
apportionment of money for nonresident pupils, 130
apportionment withheld for failure to comply with physiology law, 173
withholding of, 29
school neighborhoods, 43–44
school officers, removal of, 28–29
school-houses, may grant use of for examinations and institutes, 119
school-houses and grounds, duties relating to, 119
seal, 5–6
signature to reports, 6
special meeting of regents, may call, 8
suits or proceedings to enforce decisions of, 191, 192
superintendent of schools, removal of, 29
supervision over schools and institutions, 27
supervisory districts, disputes regarding formation to be determined by, 105
tax list, approval of amendment of, 111
teachers, dismissal, 141
regulations governing, 138
to keep register of, 28
salary, may authorize payment in certain cases, 128
teachers' certificates, to issue, 138
annulment, 28
endorsement, 138
may revoke for refusal to teach physiology and hygiene, 172

Commissioner of education (*cont'd*)
teachers' institutes, duties relating to, 178–79, 180
teachers' retirement fund, duties relating to, 237, 238, 240, 241, 242, 245, 247
teachers' training schools and classes, apportionment for, 134
duties relating to, 181
temporary districts, powers and duties, 45
term of office, 27
testimony, may take, 9
trade schools, supervision, 27
traveling and other expenses, allowance for, 27
trustee of Cornell University, 27
trustees, removal of, 28–29
trusts, supervision, 135
report of to, 135
union school district, may authorize meeting to organize, 39
supervision, 29
vacancy in office of trustee, to call meeting to fill, 62
villages and union free school districts, to determine population of, 85, 128
visual instruction, provision for, 28
See also Education Department
Commissioners, school, *see* School commissioners
Common school districts, *see* Districts
Common schools
constitutional provisions, 308
free to resident pupils, 141
non-resident pupils, 141
See also Districts; School meetings
Comptroller
school moneys, may withhold payment of, 134
warrants for payment, 131
Compulsory education, 157–66
of Indians, 198
Compulsory school age, defined, 4
Condemnation of land for schoolhouse sites, 123
Condemnation of school-houses, 104, 120
Conservation law, extract from, 393
Constitutional provisions relating to education, 308
Contagious diseases, 144
Contingent expenses, 89
Contingent fund established, 127
Continuation schools, 148, 150, 151
certificates, 161, 163
compulsory attendance, 159
Contracts
between school districts for education of pupils, 145
for building school-houses, 120–21
district superintendent not to be interested in, 102
for library privileges, 252
officials not to be interested in, 335
school trustees not to be interested in, 74
teachers, 140
Conveyance of pupils, 58
central rural schools, 51
Cornell University, 212–22
commissioner of education, trustee of, 27
Corporal punishment, 333
Corporate authorities to levy taxes, 89
Corporations
bequests to, 382
dissolution, 381–82
incorporation by special act forbidden, 378
management, 381
property-holding, 380
receiver, 381–82
stock, 378, 379–80
See also Charters
Costs in actions by or against school officers, 191
Counterfeiting credentials, 17
Counties, grants of property to, for common schools, 135
Country life advancement, 364–65
County clerk
district superintendent, duties relating to election of, 99
to file trustees' reports and superintendents' abstracts with, 105

County clerk (*continued*)
to forward certain reports to commissioner of education, 29
school moneys, certificate of apportionment to, 132
supervisory districts, duties relating to, 98
County judge, appeal to, 192
hearing before, 193
tax for costs in actions, to compel districts to levy, 191, 192–93
County libraries, 252
County treasurer
certificates relating to apportionment, to send to commissioner of education, 30
fines, disposition of, 190
penalty for disobedience to subpœna, to impose, 104
railroad and other companies, notice to, of assessment and tax, 112
payment of tax to, 112
school moneys, annual report of, 132
apportionment to be certified to, 132
list for district superintendent, 133
payments of, 131, 132
payments to, statements of, 133
supervisor's bond, duties relating to, 94–95
tax list, transmission to, 114
taxes, payment to collector, 113
unpaid, collection of, 114
trustee of unclaimed academy stock, 16
Course of study
boards of education to prescribe, 82
district superintendents, duties concerning, 103
trustees to prescribe in common schools, 70
Court libraries, 260–77
Court of appeals
orders, regarding admission of attorneys, 401
rules for the admission of attorneys and counsellors-at-law, 401–7
Court of appeals judges' law libraries, 261
Court of appeals libraries, 260–61
Credentials
conferment by regents, 9
for extension work, 10
fraudulent, 17

Dannemora, assessment for school purposes of certain state lands in, 115–16
Deaf mutes, instruction of, 201–7
Decedent's estate law, extract from, 382
Decisions, appeals from, 194
Definitions, 3–4
Degree-conferring institutions, restriction of number, 17
Degree-conferring power, restrictions, 12, 17
Degrees
charter restriction, 12
conferment by regents, 9
issued by institutions of other states or countries, regents may fix value, 10
protection against fraud, 17
provisional charter gives no power to confer, 12
Degrees, honorary, conferment by regents, 9
Delhi, state school of agriculture and domestic science, 224–26
Delinquent and dormant institutions, exclusion from university membership, 11
suspension of charter, 11
Delinquent libraries, 255–56, 257
books, 257
Dental societies, 421–35
Dentistry, practice of, 10, 421–35
Departments of university, 10
Detention of library or museum property, 255
Devises, *see* Bequests
Diplomas
conferment by regents, 9
conferment restricted, 17
endorsement, 138

Diplomas (*continued*)
issued by institutions of other states or countries, regents may fix value, 10
protection against fraud, 17
Directors, *see* School directors
Discipline and physical training, 174–75
Disciplinary and military training, 372–77
Dissolution
of academies, 14–16
of corporations, 381–82
of educational corporations, 13–14
school districts, 33–34
union free school district, restricted, 42
District attorney, fines, report and payment, 189
District clerk
duties, 63–64
election in common school districts, 56
forfeiture of amount of moneys lost by neglect, 190
notice to persons elected, 61
oath, teachers, taken by, 139
records of dissolved district, deposit of, 38
removal of, 28–29
in each school district, 59
school district bonds, duties relating to, 126
school meetings, annual, may designate place of, 52
notice of, 52
school meeting, special, may call, 53
school officer, 4
temporary districts, 46
treasurer's bond filed with, 65
trustee, may not hold office, 60
in union free school district, 66–67
vacancies in office, how filled, 63
District collector, *see* Collector
District libraries, *see* School libraries
District meetings, *see* School meetings
District officers, *see* School officers
District quota, 127, 133
consolidated districts, 37
District quota (*continued*)
district entitled to, 129, 146
temporary districts, 46
District superintendent of schools, 96–105
affidavits, may take, 104
appeal cases, to report testimony in, to commissioner of education, 104
appeals from acts of, 105
commissioner of education, subject to rules prescribed by, 105
consolidated district, order creating, 36
election, 99
expenses, allowance for, 101
payment, 372
may act for another district superintendent, 104
not to be engaged in other business, 102–3
not to be interested in certain business or to accept rewards, 102
oath of office, 100
oaths, may administer, 104
office created, 96
physical training, expenses, duties relating to, 174
powers and duties, 103–5
powers of school commissioners, to hold, 105
qualifications, 100
removal from office, 102
disqualifies for reelection for five years, 100
reports, 105
salary, 101
forfeiture of, 102
school districts, formation and alteration, 31–32
school meetings, to give notice of, 51
school moneys, apportionment, 132
reports by supervisors of school moneys to, 95
sites of school-houses, designation, 57
subpœnas, power to issue, 104
supervisory districts, 96–97

District superintendent (*continued*)
teachers, examination and licensing of, 104
included under term, 240
teachers, retirement fund, contributions to, 243
deduction from salary for, 243
duties relating to method of payment, 244
temporary districts, powers and duties, 45–47
term of office, 100
training classes, inspection of, 103
vacancy in office, 101
how filled, 101
See also School commissioners
District treasurer
bond, 57, 64–65, 66–67, 136
compensation, 66
duties, 64–65
election in common school districts, 56
notification of election, 64
payment of money from gospel funds, 136
removal from office, 29
in each school district, 59
school moneys, disbursements, 92
payment to, 131
school officer, 4
temporary districts, 46
term of office, 56
trustee, may not hold office of, 60
not to draw on for teachers' wages unless record is verified, 139
union free school district, 66
vacancy in office, 62
how filled, 63
Districts, 30–43
alteration, 32
apportionment, 129
boundaries, correcting records of, a district charge, 103
consolidated, district quotas, 37
order creating, 36
property, 38
consolidation, 34
by vote of qualified electors, 34
contracts with boards of education, in other districts, 140
Districts (*continued*)
dissolution, 33
dissolved district, deposit of records, 38
sale of property, 38
to exist for finishing business, 37–38
existing districts continued, 31
formation of new district, 31–32
formation, re-formation, 34
joint district, dissolution or alteration, 33
formation, 31–32
number, 32
meetings, 51–59
number and description of districts, 32
records, books, district property, 63
supervision by commissioner of education, 29
temporary, 45
trust funds, 135
union school district, reorganization as common school district, 41
See also District clerk; District quota; District treasurer; School meetings; School officers; Supervisory districts; Trustees; Union free school districts
Domestic science school at Delhi, 224–26
See also Homemaking, schools of
Dover, assessment for school purposes of certain state lands in, 116
Druggists, *see* Pharmacy
Duplicate department of state library, 251
exchanges, 252
loans of books from, 256

Education, boards of, *see* Boards of education
Education department, 4–6
building, 6
under direction of regents and commissioner of education, 5
divisions of department, 5
public records and history, 279–82

Education department (*continued*)
farm schools, powers relating to, 156–57
management and supervision of public schools and educational work of state, 5
reports to the legislature, 6
seal, 5–6
Education fund, 308, 356
Educational institutions
incorporations, 11–12, 378
liquidation, 13–14
penalties for detention of property, 255
penalties for injuries to property, 255
See also Gifts
Election day, 129, 331
Electric light companies, 112, 113
Employees of education department
appointment, 5
removals and suspension, 5
Employees, state, salaries payable twice each month, 355
Employment certificates, 337–40, 342, 346–48, 349
Employment of children, 160–61, 336–54
in factories, 336–43
in mercantile establishments, 343–54
in street trades, 352–54
Employment of teachers, *see* Teachers
Endorsement of teachers' certificates and diplomas, 138
Entomologist, state, member of museum staff, 11
Enumeration, *see* Census
Evening schools, 84–85
certificate, 163
required attendance, 158–59
vocational schools, 148, 150, 151
Examinations
academic, 9
chiropody, practice of, 463–65
Cornell University scholarships, 217–18
dental, 425–27
for extension work, 10
fraud in, 17–18
Examinations (*continued*)
law, practice of, 395, 402–3, 407, 408–10
medical, 412–15
nurses, 461
optometry, 471–72
pharmacy, 448–50
physiology and hygiene, 172
public accountants, 475
regents, law authorizing, 9
shorthand reporters, 476
state certificate, 138
teachers, regulations governing, 138
unlawful acts in respect to, 17–18
use of school buildings for, 119
veterinary medical, 438–39
See also Teachers' certificates
Exemptions from taxation, 308–12
for building school-house, 109
Expenditures of school moneys
estimates of, 88
limitation upon, 85
vote on, 124
to be by ballot, 59
Extension of business by institutions, restrictions, 12
Extension of educational facilities, 4, 10

Factories, employment in, 336–43
False personation in examination, 17
Farm schools in counties, 152–57
Fees
for admission to examinations, 9
collector's, 111
libraries, assistance to, 256
supervisor and town clerk in cases of district alteration, 39
supervisors, 357
town clerk, 66
Financial provisions, state finance law, 355–57
Fines, 188–93
apportionment, 189
compulsory education law, violation of, 160, 161
for detention of property, 255
disposition of, 189
in case of joint district, 190

Fines (*continued*)
examinations, violation of law relating to, 18
fire drills, neglect of, 177
Indian children, persons employing unlawfully, 199
for injuries to library or museum property, 255
notice of district meetings, failure to serve, 55
payments on, 133
report and payment, 189
teachers, unqualified, payment of, 139
voters, for false declaration or unauthorized vote, 56
votes, failure to record, 77–78
See also Penalties
Fire drills, 176–77
Fire escapes, 118
Fiscal year, 355
Flag, display on school grounds, 176
Forestry, state college of, at Syracuse University, 234–36
Forms, preparation of, 28
Fraud in obtaining credentials, 17
Fredonia normal school, practice departments in, 185
Free public libraries, *see* Public libraries
Free tuition, *see* Tuition
Fuel, district to furnish, 57
Funds, educational, 308, 356
See also Public library money; School libraries; School moneys
Furniture, school-houses, 57, 82, 83, 103, 104

Gas companies, 112, 113
General business law, extract from, 475–80
General construction law, extract from, 331
General corporation law, extract from, 380–82
General municipal law, extracts from, 360–64, 392
Geologist, state, member of museum staff, 11
Gifts
authorized, 383–85
boards of education, powers, 83
to corporations, 382
libraries, 252
conditional acceptance of, 253
to the state of obligations of another state, 355–56
See also Bequests; Trusts
Globes
district to vote tax for, 57
loans, 10
Gospel and school lots, 136
payment of proceeds of sale, 94
report of supervisor regarding, 136
supervisors' duties, 93
Gospel funds, apportionment, 136
Grants, *see* Bequests; School moneys
Guardians, punishment, for contributing to delinquency of children, 354

Health certificates, 143
High schools, 3
Higher education defined, 4
Highlands, assessment for school purposes of certain state lands in, 116
Historian, state, 279
Historical associations, incorporation, 11–12
History, division of, 279–82
Holidays, 331
schools not to be in session on, 129
Homemaking, schools of, 50, 147–52
authority of board of education over, 149
estimates and appropriations, 151
state aid for, 149–50
supervision by commissioner of education, 27
training of teachers, 152
Hours of labor of minors, 337, 343–44

Income from trust fund, accumulation of, 387–90
Incorporation, *see* Charters
Indebtedness, *see* Bonded indebtedness
Independence day, 331

Indian collection, 11
Indian law, extract from, 392
Indian reservation, apportionment for teachers, 127
Indian schools, 196–201
  teachers, 198
Indians
  compulsory education, 198
  education in normal schools, 187
Indorsement of teachers' certificates and diplomas, 138
Industrial and trade schools, 147–52
  application of moneys, 151
  estimates and appropriations for, 151
  state aid for, 149–50
  supervision by commissioner of education, 27
Industrial training in truant schools, 166
Injuries to property, penalties, 255
Insanity law, extract from, 392
Inspection
  of common school, by boards of education, 85
    by commissioner of education, 29
    by district superintendent, 103
  deaf and blind, institutions for, 201–2
  industrial and trade schools, 27
  of institutions, authority for, 27
  libraries, 253
  training classes, by district superintendent, 103
  university institutions, 11
Inspectors of election, 77
  common school districts, 61
Institutions in university, 11
Insurance
  normal schools, 186
  school library, 70, 82
  school-houses, 57–58, 70, 82

Joint districts, see Districts
Judge, *see* County judge
Judgments
  taxes for payments of, 70–71
  for teachers' wages, how satisfied, 58
Judiciary law, extract from, 394–407

Kindergartens, 84–85

Labor day, 331
Labor law, extracts from, 336–54
Lands, state, tax on, 313–14
Lantern slides, loans, 10
Law, practice of, 394–410
Law examiners, rules, 408–10
Laws repealed, 285–99
Lecturers, extension, regents may designate, 10
Legislature, members may borrow from state library, 251
Librarians of school libraries, 83, 258
Libraries, 249–60, 392–93
  abolition, 257
  branch, 252
  charters, 11, 254
  county, 252
  establishment, 252
  gifts to, conditional acceptance of, 253
  inspection, 253
  museum collections, 253
  neglect, 255–56, 257
  penalties, for detention of books, 255
    for injuries to property, 255
  property, 252
    subject to return to state, 257
  reports, 251–52, 254–55
  state hospitals, 392
  subsidies, 253
  taxes, 252, 254
  transfer, 255
  transfers of books to state library, 251
  traveling, 256
  trustees, 254
    regents may remove, 256
  See also Public libraries; School libraries; State library
Library commission, 256
Library fund, 254
Library school, authority for, 256
Licenses, protection against fraud, 17
  See also Teachers' certificates
Lincoln's birthday, 129, 331
  observance in public schools, 176
Liquidation of educational institutions, 13–14

Liquors sold near school-houses, 357–58
Loans
for extension work, 10
from state library, 251, 252, 256
Long Island, State School of Agriculture, 277–78

Manual training schools not entitled to share in grants for industrial schools, 151
Manuscripts
on file, part of state library, 250
removal from state library, 250–51
transfer to state library, 251
Maps
apportionment for, 130
district to vote tax for, 57
loans, 10
transfer to state library, 251
Mechanic arts, schools of, 147–52
authority of board of education over, 149
estimates and appropriations, 151
state aid for, 149–50
supervision by commissioner of education, 27
training of teachers, 152
Medical colleges, cadavers for, 328–29
Medical inspection of children in factories, 339, 342–43
Medical inspection of school children, 84, 141–45
Medical library, 250
Medicine, practice of, 10, 410–21
Meetings, *see* School meetings
Membership corporation law, extract from, 379
Memorial day, 176, 331
Mercantile establishments, employment in, 343–54
Messengers, hours of labor, 344
Military and disciplinary training, 372–77
Military drill excluded from public schools, 176
Military training commission, 174, 175, 373
Moneys, *see* Library fund; Public library money; School moneys
Morrisville, state school of agriculture at, 231–34
Mortgage, sale of site to be taken as security for, 122
Municipal bonds, maximum rate of interest, 364
Municipal corporations may establish libraries, 252
See also Cities
Museums, 252
collections, 253
incorporation, 11
municipal corporation may establish, 392
penalties, for detention of property, 255
for injuries to property, 255
reports, 254–55
See also State museum

Names, use of name college or university, 17
Names of institutions, change of, 12
Natural gas companies, 112, 113
Natural history, extra copies, 251
Nautical school, 366–69
Negroes, schools for, 196
Neighborhoods, school, *see* School neighborhoods
New Year's day, 331
New York–American Veterinary College, 283–84
New York city, payment of school moneys to, 132
school census, 167, 169
New York State College of Agriculture, 220–22
New York State Normal College, control of, 187
New York State School for the Blind, 207–12
New York State Veterinary College, 219–20
Newspapers, employment of children carrying, 344–45
Night schools, 84–85
required attendance, 158–59
Non-resident pupils, apportionment for tuition, 130
tuition, 83, 130, 141

Normal schools, 182–88
admission requirements, 185
courses of study, 184
diploma, 184
commissioner of education may annul, 28
endorsement, 138
qualifies for teaching, 137
grants and bequests, 186
Indian youth in, 187
insurance, 186
local boards, 183, 184
defaulting, 184
physiology and hygiene, instruction in, 172
policemen, special, 185
principal, duties relating to physiology law, 173
secretary, salary, 184
supervision by commissioner of education, 27
teachers, 184
treasurer's bond, 184
salary, 184
Nurses, registration, 10, 460–62

Oaths
commissioner of education may administer, 28
district superintendents may administer, 104
Observatories, trusts for, 384, 386
Officer of institutions, ineligible as regent, 8
Officers of education department
appointment, 5
removals and suspensions, 5
Officers of university, 8
Officers, *see also* School officers
Onondaga nation, wampum keeper, 392–93
Optometry, practice of, 10, 470–74
Organization tax, 379–80
Orphan schools, 195
apportionment to, 127
Ossining, assessment for school purposes of certain state lands in, 116
Osteopathy, license to practise, 414

Paid help from state library, 256
Paleontologist, state, member of museum staff, 11
Papers, *see* Manuscripts
Parental relation defined, 4
Parents, punishment, for contributing to delinquency of children, 354
Part-time schools, 148, 150, 151
certificates, 161, 163
compulsory attendance, 159
Patriotic exercises, 176
Penal provisions relating to schools and school officers, 333–36
Penalties, 188–93
children, unlawful employment, 160
chiropody, unlawful practice of, 468
commissioner of education, regents or other school officer, falsely claiming to represent, 190
compulsory education law, violation of, 160, 161
dental law, violations of, 432–35
fire drills, neglect of, 177
forfeiture of, for neglect to sue for, 190–91
fraudulent credentials, 17
Indian children, failure to send to school, 198–99
for injuries to property, 255
medical law, violations of, 421
notice of school meetings, failure to serve, 55
pharmacy law, violations of, 456–58
school officers, refusal to make report, 53
refusal to serve or perform duty, 62
statement of moneys received from, 133
subpœna, disobedience of, 104
suits for, 190–91
supervisors' refusal to give bond, 95
teachers, failure to complete contract, 140
unqualified, payment of, 139
teachers' institutes, failure to attend or close schools, 180
text-books, law concerning, 170
trustee, failure to account, 73
veterinary medical law, violations of, 443

Penalties (*continued*)
voters, false declaration or unauthorized vote, 56
See also Fines
Pensions, teachers', 236–49
Personal property, bequests other than money or securities exempt, 391
law, extracts from, 383–85, 387–90
Petitions to commissioner of education, 193–95
Pharmacy, practice of, 10, 443–60
Photographs, *see* Pictures
Physical training, instruction in, 174
in schools, 373
Physiology and hygiene, 171–73
examinations in, 172
instruction of pupils in, 70, 82
Pictorial or graphic representations, 28
Pictures
apportionment for, 130
loans, 10
Pipe line companies, apportioning valuation, 323–24
Playgrounds, 57, 69, 70, 71, 82, 124, 125
Political meetings, use of school-houses for, 120
Poll-list in common school districts, 61
Polling places, use of school-houses for, 120
President of college, ineligible as regent, 8
Principals of schools
fire drills, to maintain, 177
ineligible as regent, 8
Professional schools, 4
Professions, practice of, 10, 394–480
Professorships, trusts for, 384, 386
Property
of abandoned district library, 259
corporations, 380
extinct, 13–14
library, control by regents, 256
of transferred library, 255, 259
subject to return to state, 257
penalties for injuries to, 255
school district, consolidated, 38
Property (*continued*)
to be held in trust for common schools, 135
See also Gifts; Real property; School property; Taxes; Trustees; Trusts
Provisional charters, 12
Public accountants, 10, 475
Public documents part of state library, 250
Public health law, extracts from, 327–28, 410–74
Public holidays, 129, 331
Public libraries, 252
abolition, 257
advice and instruction from state library, 256
delinquent libraries, 255–56, 257
forfeiture of state grants, 255–56
formed from school libraries, 255, 259
free to residents, 254
gifts to, conditional acceptance of, 253
incorporation, 254
municipal corporation may establish, 392
penalties for detention of books, 255
for injury to property, 255
reports, 252, 254
school library property, transfer to, 259
school-houses as stations, 119
taxation, 252, 254
transfers of books to state library, 251
trustees, 254
Public library money, apportionment, 256–57
forfeiture of grants, 255–56
return to state, 257
Public money, *see* School moneys
Public records, supervisor of, office created, 279
Public school teachers' retirement fund, 239–49
Pupils, 137–41
See also Children; Non-resident pupils

Railroad and other companies
taxation, 112
apportioning valuation, 323–24
Reading-rooms, 252
penalties for detention of books, 255
for injuries to property, 255
Real property, acquisition for school purposes, 123
Real property law, extracts from, 385–87
Receivers of corporations, 381–82
Record books, teachers responsible for, 139
Records
boards of education, 87–88
copies of, authenticated by seal, 5–6
on file, part of state library, 250
public, supervisor of, office created, 279
removal from state library, 250–51
school officers, district property, 63
Recreation grounds, 82
Reference books of abandoned district libraries, 259
Regents
absences, 8–9
application for dissolution of educational corporations, 381
charters, may grant, 11–12
may alter or repeal, 12
may suspend, 11
colleges or universities, power to regulate name of, 17
commissioner of education, chief executive officer, 27
election of, 26
constitutional provisions, 308
court of appeals libraries, duties relating to, 261
defined, 3
departments, may establish, 10
dissolution of institutions, powers, 13–14
duplicate department, charge of, 251
election, 8
examinations, may establish, 9
Regents (*continued*)
extension of educational facilities, 10
ineligibility, 8
inspection of institutions, 11
institutions in university, powers, 11
legislative power, 9
libraries, abolition of, duties regarding, 257
approval of transfer, 255
books for, may buy, 256
charters, may grant, 254
gifts, approval of acceptance, 253
property, control of, 256
reports, to submit, 254–55
for state hospitals, 392
trustees, may remove, 256
manuscripts and records, to make available, 250
meetings, 8–9
quorum, 9
no "ex-officio" members, 8
normal schools, approval of contract for education of children in, 188
number, 8, 308
oath of office, 8
officers, 8
penalty for falsely claiming to represent, 190
physical training, rules relating to, 175
powers, 5, 8, 9, 10, 280, 308
professions, supervision of, 10
property to be held in trust for common schools, 135
rules, commissioner of education to enforce, 29
my make, 9
scholarships, rules governing, 23
seal, 5–6
senior regent, powers in vice-chancellor's absence, 8
state library, control of, 250
state normal college, control of, 187
term of office, 8
testimony, authority to take, 9
vacancies in office, 8
to be reported to legislature, 9

Registered architects, 478–80
Registered nurses, 10, 460–62
Registers, *see* School register
Registration of institutions, 10
Religious instruction in theological seminaries, exempt from state control, 9
See also Sectarian schools
Reports
board of education to make, 88
county clerk and county treasurer to forward to commissioner of education, 29–30
county treasurer to render, 132
district superintendents, 105
from university institutions, 11
failure to report causes suspension, 11
required before sharing in apportionment, 131
public libraries, 252, 254
of pupils from other districts, 147
regulations for making, 28
school library, 258
school officers, commissioner of education to require, 29
state library, 251–52
state museum, 10
trustees, 72–73, 105
Retirement fund
for teachers in state institutions, 236–39
for public school teachers, 239–49
Rockland county, assessment for school purposes of state lands in, 116
Rules of regents
amended, suspended or repealed, 9
commissioner of education to enforce, 29
enactment, 9
violation by institutions, causes suspension, 11
Rural schools, central, 48–51

St Lawrence county, taxation, 324–26
text-books, 365–66
St Lawrence University, state school of agriculture, 222–23
Sale of school-houses, 83, 122
school property, application of funds, 43
Savings banks in schools, 359
Schoharie State School of Agriculture, 228–31
Scholarships, state, 22–26
trusts for, 384, 386
School age, 141, 158
Indian children, 198
School authorities defined, 4
School commissioners
acts may be appealed from, 194
Arbor day, duties relating to, 178
boards of education, may call special election, 78
certification of teachers by, 138
defined, 3
examinations for Cornell University scholarships, duties relating to, 218
forfeiture of amount of moneys lost by neglect, 190
physiology law, duties relating to, 173
property held in trust for common schools, 135
removal of, 29
reports, abstracts of, 29
school districts, apportionment of moneys collected by supervisors, 38–39
approval of proceedings of meeting to dissolve union school district, 42
designation of union free school districts, 41
dissolution and alteration, 32–34
dissolution or alteration of joint district, 33
division of union free school districts, 42
meetings, conditional approval of proceedings, 42
effect of veto of proceedings, 42
minutes of meeting to organize union school to be filed with, 41
number and description, 32
special, may call, 53, 54

School commissioners (*continued*)
school neighborhoods, 43–44
school officers, 4
may accept resignation of, 62
resignation filed with, 62
school-houses, condemnation of, 120
estimates of erection, 120
may request use of for examinations and institutes, 119
service to be included for purpose of granting annuity, 249
supervisory districts, duties relating to, 97
teachers' certificates, may grant and revoke, 139
teachers' institutes, duties relating to, 179
may order payment of expenses, 180
term to mean district superintendent, 240
training classes, supervision, 182
trustee, may fill vacancies in office of, 62–63
not eligible as, 59
See also District superintendent of schools
School directors
compensation, 99
district superintendents, election of, 99
filling vacancy in office, 101
election, 98
oath, 98
term of office, 98
vacancies in office, 98
how filled, 98
School districts, *see* Districts
School grounds, use out of school hours, 119–20
School libraries
abandoned, 259
apportionment of moneys to, 129–31
may be withheld, 259–60
authority to raise and receive money for, 258
circulating libraries for residents of district, 257
School libraries (*continued*)
district superintendent to advise trustees regarding purchase of books, 103
establishment, 252
existing law and rules continued in force, 258
insurance, 70, 82
librarian, 83, 258
property, transfer to free public library, 259
public libraries formed from, 255, 259
reports, 258
tax for establishment of, 57, 258
trustee may not be librarian, 60
use and care, 257–58
School meetings, 51–59
acts may be appealed from, 194
annual, of boards of education, 79
of districts re-formed after dissolution, 53
notice of, 52
time and place of, 52
central rural schools, to establish, 48
consolidated district, 34, 35, 36
in dissolved district, 38
duty to attend, 55
first, notice of, 51
joint district, special meeting to act regarding dissolution, 33–34
neighborhood meetings, 44
notice, effect on proceedings if due notice not given, 54
penalty for failure to serve, 55
school-houses, designation of site, 122
to consider erection of, 120
sale of, 122
use for political purposes, 120
special meeting, call by school commissioner, 54
in common school districts, 54
in union free school district, 54
to transact business of annual meeting, 53
taxes, power to vote, 124
text-books, to designate, 170

School meetings (*continued*)
union school districts, establishment, 39
dissolution and reorganization, 41
establishment, proceedings of, 40–41
voters, qualifications, 55
See also Boards of education
School moneys, 126–34
apportionment, certificate of, 132
certifying and paying, manner of, 131
to cities, academies, academic departments and libraries, 129–31
by commissioner of education, 127
conditions for cities and districts, 128–29
county treasurer to forward certificates relating to, to education department, 30
by district superintendent, 38–39, 133
errors corrected by commissioner of education, 128
for industrial and trade schools, 149–51
for physical training, 175
to union school districts and cities, 134
when payable, 132
withheld for failure to comply with physiology law, 173
boards of education may borrow, 84
reports on, 88
comptroller may withhold payment of, 134
custody of, 64, 67
deposit, custody and payment in cities and villages, 85–86
disbursement by supervisors, 92
how made, 65
of dissolved district, 43
expenditures, estimate of, 88
limitation upon, 85
vote on, 124
vote on, to be by ballot, 59
School moneys (*continued*)
forfeiture of amount lost by neglect, 190
issuing order in excess of available funds, a misdemeanor, 74
liability of collector for moneys lost, 67
lost or embezzled, tax for, 58
notice of non-payment, 74
payment by trustee to successor, 73
to unqualified teachers prohibited, 139
proceeds from sale of property of dissolved district, disposition, 38
supervisor's bond for, 94–95
report to district superintendent, 95
teachers' fund, collector to disburse, 66
treasurer custodian of, 64
trustees, report on, 73
right of action against predecessor, 73–74
withheld by commissioner of education, 29
for failure to comply with compulsory education law, 166
for non-compliance with law regarding teachers' institutes, 180
See also Bonds; Taxes
School neighborhoods, 43–45
apportionment to, 128
clerk and trustee, duties, 44–45
meetings, 44
setting off, 43–44
School nurse, 142
School officers, 59–63
actions against, 191
costs in, 191
expenses in defending suits, tax for, 58
acts may be appealed from, 194
contracts, not to be interested in, 335
defined, 4
election, 56, 61
oath of office, not required to take, 60
penal provisions relating to, 333–36

School officers (*continued*)
penalties, neglect to sue for, 190–91
for falsely claiming to represent, 190
for refusal to serve or perform duty, 62
qualifications, 59
records, books, district property, 63
removal by commissioner of education, 28–29
removed from office, ineligible for one year, 60
reports required of, 29, 53
resignation, 62
district clerk to notify trustees of, 64
term of office, 60
length of, when elected at special meeting, 53–54
terms of, in newly created districts, 60
trustees may not hold office of, 60
vacancies in office, 62
how filled, 62–63
See also Collector; District clerk; District treasurer; Trustees
School property
application of funds obtained from sale of, 43
exempt from taxation, 43
School record certificate, 161, 340, 349
School register, verification of, 139
School savings, 359
School trustees, *see* Trustees
School-houses, 117–25
boards of education, powers, 82
bonds, 124, 125–26
condemnation, 104, 120
custody by trustees, 70
erection, 117, 120
exempt from taxation, 43
exemptions from tax for building, 109
fire escapes, 118
fuel, 57, 83
furniture, 57, 82, 83, 103, 104
hire, purchase etc., 57, 69–70, 82
insurance, 57–58, 70, 82
location, 117
School-houses (*continued*)
outbuildings, 84, 121
plans and specifications of new buildings must be approved by commissioner, 117–18
property not subject to taxation, 43
title vested in board of education, 82
repairs, 57, 82, 104
repairs and appliances, 71
sale of, 83, 122
school district meetings held in, 52
site, bonds for purchase of, 125–26
change of, 121
condemnation of land for, 123
designation, 57, 122
designation without vote, 121
purchase, 69, 82
sale of, 82–83, 122
taxes and bonds, 124
title to lands, vesting in boards of education, 123
when owner's consent necessary, 123
taxes, 57, 118, 120, 124
temporary or branch, establishment, 71–72
use, for examinations and institutes, 119
out of school hours, 119–20
waterclosets, 84, 121
See also Taxes
Scientific associations, incorporation, 11–12
Scientific collections made by museum staff, 11
of birds, birds' nests and eggs, permit to make collection, 393
Seal of regents and commissioner, 5–6
care of, 27
Secondary education, defined, 4
Sectarian schools, no state aid to, 308
Sewer systems, colleges may construct, 22
Shorthand reporters, certified, 476–77
Social centers, 57, 69, 70, 71, 82, 119, 124, 125
Specimens, transfer to state library or museum, 251

State certificates
examinations for, 138
of other states, endorsement, 138
State finance law, extracts from, 355–57
State historian, 279
State hospitals, libraries for, 392
State lands, taxes on, 313–14
State library
advice and instruction from officers, 256
borrowers, 251
building, 6
how constituted, 250
department of university, 10
duplicate department, 251
hours of opening, 251
loans, 251, 252, 256
manuscripts and records on file, to receive, 250
receipts from sales used for, 251
reports, 251–52
subject to regents, 250
transfers from state officers, 251
State medical library, 250
State museum
building, 6
certificate to collect for scientific purposes, 393
collections made by staff, 11
how constituted, 10–11
department of university, 10
Indian section, 11
report, 10
transfers to, 251
State officers
may borrow from state library, 251
salaries, payable twice each month, 355
transfers of books etc., to state library, 251
State publications
certain, in regents' charge, 251
extra copies, 251
on file, part of state library, 250
proceeds of sales, 251
State scholarships, 22–26
State schools of agriculture, 147–52, 220–34, 277–78
State treasurer
payments of school moneys by, 131
scholarships fund, duties, 25
teachers' institutes, payment of expenses, 180
Statuary, loans, 10
Stock corporations, 378, 379–80
Street trades, employment in, 352–54
Subpœnas, district superintendent to issue, 104
Subsidies
library, 253
restrictions of, 308
Suits, *see* Actions
Superintendents of schools
certification of teachers by, 138
examinations for Cornell University scholarships, duties relating to, 218
physiology law, duties relating to, 172
removal of, 29
school officer, 4
school record certificates, issue of, 162
school-houses, may request use of for examinations and institutes, 119
teachers schools or classes, supervision, 182
in union free school districts, 85
Supervision quota, 127, 128, 133
Supervisor of public records, office created, 279
Supervisors, 92–95
bond, for school moneys, 94–95
refusal to give, consequences of, 95
cost in actions against, 191
deaf and blind, duties relating to, 204
decisions may be appealed from, 194
district superintendents, may increase salary, 101
payment of certain expenses of, 372
duties, 92–94
farm schools, duties relating to, 156
fees, 39, 357

Supervisors (*continued*)
gospel fund, apportionment, 136
gospel or school lots, report regarding, 136
libraries, contract with, 252
property in trust for common schools, 135
school districts, alteration proceedings, to sit with school commissioner and town clerk, 33
application of proceeds of sale of property, 38
sale of property of dissolved district, 38
school moneys, apportionment, duties relating to, 133
reports to district superintendent, 95
to sue for money due from school officers, 38–39
transcript showing unexpended moneys for teachers' salaries, 133
supervisory districts, duties relating to, 97
taxes, unpaid, collection of, 115
levy of, 115
treasurer to demand money of, 65
trustee, not eligible as, 59
trustees not to draw on for teacher's wages unless record is verified, 139
valuation of taxable property, 108
Supervisory districts, 96–97
disputes regarding formation to be determined by commissioner of education, 105
Supreme court, control over gifts, grants and devises, 383, 385
Supreme court libraries, 263–77
at Binghamton, 267–68
Bronx, 275–76
Brooklyn, 264
Buffalo, 271
Delhi, 268
Elmira, 268–69
Joseph F. Barnard memorial library at Poughkeepsie, 265–66
Kingston, 266
Supreme court libraries (*continued*)
at New York, 263, 274
Newburgh, 264–65
Norwich, 269–70
Queens county, 274–75
Riverhead, 277
Saratoga, 266
Troy, 273
Utica, 267
Watertown, 276
White Plains, 271–72
Syracuse University, state college of forestry at, 234–36

Tax law, extracts from, 308–22, 379–80, 391
Tax list, 106
amendments, 111
filing with town clerk, 115
transmission to county treasurer, 114
trustee to make out, 69
Taxes, 105–16, 308–22
for apparatus and text-books, 57
appeals on refusal to levy for costs in action, 192
assessment, 106
of state lands in Dannemora and Wawarsing, 115–16
of vacant land, 108–9
assessment roll, preparation of, 312–13
banks, 315–19
boards of education may levy without vote, 89
certification by trustees of collector's return, 114
collection, 319–23
collector, fees, 111–12
jurisdiction, 110
notice, 111
corporate authorities to levy, 89
costs in actions by or against school officers, 191
equalization within joint districts, 108
exemptions from, 308–12
tax for building school-house, 109
levying, vote to be by ballot, 59

Taxes (*continued*)
libraries, 252, 254
non-resident pupils, deducted from charges for tuition, 141
outbuildings, provision for, 121
paid upon incorporation, 379–80
persons working land on shares and vendees in possession liable to taxation, 109
powers of annual and special meetings to vote, 124
property of certain absentee owners, liability of, 109
to be assessed, 109
railroad and other companies, notice to, 112
payment by, 112
receipt for, 321
for record book, 58
to replace moneys lost or embezzled, 58
in St Lawrence county, 324–26
school library, 57, 258
school property exempt from, 43
school-houses, 57, 118, 120, 124
sites, 57
state lands, 313–14
suits for recovery of, 113–14
to supply deficiencies, 57
for teacher's salary, 70–71, 84, 89
payment of deficiency in, 58
to pay judgments on, 58
tenant's right to charge tax to landlord, 109–10
text-books, for purchase of, 170
transfer tax on devises and bequests, exemptions, 391
trustees, expenses of, 74
unpaid, collection of, 115
levy by supervisors, 115
return by collector, 114, 115
valuation, ascertainment of, 107
power of trustees to determine, 107–8
vote on, 88, 124
warrant, for collection of, 110
filing with town clerk, 115
renewals of, 110–11

Teachers, 137–41
agencies, district superintendent not to be interested in, 102
of agriculture, mechanic arts and homemaking, 149–50, 152
athletic, playground and social center activities, supervision, 70, 83
attendance at institutes or conferences, 129, 180
compensation for attendance, 103
time allowed for attendance, 129
contract with, 140
penalty for failure to complete, 140
dismissal, 141
employment, 70, 83, 103
examination and licensing of, 104
fire drill, to maintain, 177
fund, collector to disburse, 66
Indian schools, 198, 199, 239, 244
for industrial and trade schools, 27
meetings, called by district superintendent, 103
physical training, 174, 175
physiology and hygiene, examinations in, 172
primary and grammar schools, 137–38
qualifications, 137
quota, 128, 133
district entitled to, 128, 146
for school librarian, 258
record of attendance, to keep, 162
books, 139
verification of, 139
registers of, 28
retired, employment of, 238
retirement fund
for teachers in state institutions, 236–39
for public school teachers, 239–49
salaries
apportionment of moneys for, 127, 128, 133
commissioner of education may authorize payment in certain cases, 128

Teachers (*continued*)
salaries (*continued*)
expenditures for, 88, 92
issuing order for in excess of available funds, a misdemeanor, 74
payments of, 133
by trustees, 70
not to be paid until record is verified, 139
paid for attendance at institutes, 180
payable as often as monthly, 141
time of payment in contract, 140
to unqualified teachers prohibited, 139
tax for, 58, 70–71, 84, 88
school record certificates, issue of, 162
schools for colored children, 196
temporary districts, 46
trustees, relationship to, 140
to report tuberculosis, 330
See also Training classes
Teachers' certificates
commissioner of education to issue, 138
may annul, 28
district superintendent may grant, 104
endorsement, 138
examination for, 104, 138
local authorities may issue, 138
prerequisite to employment, 137
registers of, 28
regulations governing, 138
revocation, 28, 104, 139
for failure to complete contract, 140
for failure to attend institute, 180
for refusal to teach physiology and hygiene, 172
temporary, 138
Teachers' institutes, 178–80
attendance at, penalty for failure of, 180
Teachers' institutes (*continued*)
commissioner of education, duties relating to, 178–79, 180
expenses, payment of, 180
physiology and hygiene, instruction in, 172
school buildings used for, 119
school commissioners, duties relating to, 179
schools closed during, 180
Teachers' licenses, *see* Teachers' certificates
Technical schools, 4
Telegraph companies, 112, 113
apportioning valuation, 323–24
Telephone companies, 112, 113
apportioning valuation, 323–24
Temporary school districts, camps, 45
Term of schools, when to begin, 129
Testimony, authority of regents to take, 9
Text-books, 169–70
adoption, 103
boards of education to designate, 82, 169
changes in, 170
district to vote tax for, 57
free, in union school districts, 170
on physiology, 172
in St Lawrence county, 365–66
Theological seminaries, religious instruction in, exempt from state control, 9
Town clerk, 90–91
collector's bond, to file, 65–66
duties, 90–91
expenses, 91
fees, 39, 66
forfeiture of moneys lost by neglect, 190
notice of meeting to establish central rural school, 48
school districts, alteration proceedings, to sit with school commissioner and supervisor, 33
decision regarding alteration to be filed with, 32–33
description and number filed with, 32

Town clerk (*continued*)
school districts (*continued*)
minutes of meeting to organize union school to be filed with, 41
records of dissolved district to be deposited with, 38
tax list and warrant filed with, 115
Town law, extract from, 357
Towns
libraries, 252
property in trust for common schools, 135
Trade schools, 147–52
application of moneys, 151
estimates and appropriations, 151
state aid for, 149–50
supervision by commissioner of education, 27
Training classes, 181–82
apportionment for, 134
inspection by district superintendent, 103
physiology and hygiene, instruction in, 172
Transfer of libraries, 255
Transfer tax on devises and bequests, exemptions, 391
Transportation of pupils, *see* Conveyance
Traveling libraries, 256
Treasurer, *see* County treasurer; District treasurer; State treasurer
Truant officer, school officer, 4
Truant schools, 164
Truants, arrest of, 164
in Indian schools, arrest of, 200
Trust fund, accumulation of income, 387–90
Trustee, defined, 4
Trustees, 68–74
of academy, may dissolve academy, 14–15
account books, to provide, 71
actions by, provisions of code of civil procedure, 332
against predecessor, 73–74
costs in, 191, 193
may be appealed from, 194
Trustees (*continued*)
agriculture, mechanic arts and homemaking, schools of, duties relating to, 148
apparatus, expenditures for, 71
application of moneys from gospel funds, 136
ballot boxes, to provide, 61
boards of education have powers of, 86–87
body corporate, 68
bonds, issue of, 125–26
central rural schools, 49
collector, to deliver bond to, 65
in default, remedy against, 67
conclusions of two valid, 69
condemnation of land, 123
conferences with district superintendent, 103
contracts, not to be interested in, 74
with trustees in other districts, 146
conveyance of pupils, may contract for, 58
disbursements, may order, 65
of teachers' fund, 66
election; 60–61, 76
in common school districts, 56
fire drill, duties relating to, 177
fire escapes, construction, 118
forfeiture of amount of moneys lost by neglect, 190
ineligibility, 60
to insure school property, 57–58
issuing order in excess of available funds a misdemeanor, 74
meetings, 68–69
See also School meetings
neglect of duty, 62
neighborhood trustee, report, 44–45
nuisances, abatement, 104
number, 59, 60–61
payment to successor, 73
penalty, for failure to account, 73
for payment of unqualified teacher, 139
physical training, duties relating to, 174

Trustees (*continued*)
physiology law, duties relating to, 172–73
powers and duties, 69–72
mode of exercise of, 68–69
property held by, 68
in trust for common schools, 135
refusal to serve, 61–62
removal of, 28–29
report of pupils from other districts, 147
reports, 72–73, 105
filed with commissioner of education, 29
school districts, alteration without consent of, 32–33
consent to dissolution, 34
dissolved, to continue in office to settle unfinished business, 38
notice of meetings in other than village districts, to give, 39–40
to give notice of meetings to organize union schools in two or more districts, 40
union school district, to call special meeting for organizing, 39
school libraries, appointment of librarian, 258
school meetings, annual, may designate place of, 52
special, may call, 53
to consider question of building school-houses, 120
school moneys, duties relating to, 64, 73, 74
school officer, 4
school officers, may fill vacancies in office of, 63
school-houses, abatement of nuisances, 71
care of, 71
contract for building, 120–21
furniture, 103
may grant use of for certain purposes, 119–20
not to levy tax for unless plans approved by commissioner, 118
outbuildings, provision for, 121
repairs and appliances, duties concerning, 71, 104
Trustees (*continued*)
school-houses and grounds, supervision, 119
school-houses or site, execution of deed for sale of, 122
to sue for money unpaid upon security, 122
to take security for sale, 122
sole trustee, powers and duties, 68
tax list, transmission to county treasurer, 114
tax list and warrant, delivery to town clerk, 115
taxation for expenses incurred by, 74
taxes, for certain expenses, to levy, 193
suits for recovery of, 114
teachers, contract with, 140
relationship to, 140
teachers' institutes, penalty for failure to close school during, 180
temporary districts, 46
temporary or branch schools, to provide, 71–72
terms of office, 60, 76
treasurer to deliver bond to, 65
vacancies in office, 62, 69
action in case of, 69
how filled, 62–63
See also Boards of education; School meetings; Taxes
Trustees of corporations
application for dissolution of educational corporations, 13–14, 381, 382
Trustees of public libraries, 254
regents may remove, 256
Trustees of university institutions
absences from meetings, 19
degrees and credentials, may grant, 20
election, 18, 19
executive committee, 18–19
ineligible as regent, 8
meetings, 19
no compensation, 20
number and quorum, 18
officers and employees, 20
powers, 18–20

Trustees of university, etc. (*cont'd*)
property, control of, 19–20
property-holding, 19
removals and suspensions, 20
rules, may make, 20
seniority, 19
term of office, 18
vacancies, 19
women eligible, 19
Trusts for schools, 134–36
authorized, 383
control and supervision, 135
limitation of bequest, 382
report of, to commissioner of education, 135
See also Bequests; Gifts
Tuberculosis, teachers to report, 330
Tuition in contracting districts, 147
Tuition of non-resident pupils, 83, 130, 141
Tuxedo, assessment for school purposes of certain state lands in, 116

Union free school districts
alteration, 32
apportionment to, 127
board of education to control, 83
clerk, 66–67
collector, 66
consolidation of other districts with, 34, 36
restriction, 34
deposit, custody and payment of moneys, 85–86
dissolution, 34
restricted, 41
division, of dissolved district, 42
establishment, 39
industrial and trade schools, 148
laws applying to, 90
meeting, annual, 52
regarding reorganization as common school district, 41
of two or more districts, 40
number of members of board of education in, 80
proceedings of meetings to form, 40–41
school district, for purposes of apportionment, 134
Union free school districts (*cont'd*)
special meetings, 54
supervision by commissioner of education, 29
treasurer, 66
trustees, 59
vacancy in office, how filled, 62–63
See also Boards of education; Districts; School meetings; Trustees
Union schools, academic departments, *see* Academic departments
United States deposit fund, 256–57, 308, 356
Universities, 4
incorporation, 11
use of name, 17
University of the State of New York, 3, 6–26
in constitution, 308
corporate name and objects, 7
departments, 10
government, 8, 308
institutions in, 11
management and supervision by education department, 5
objects, 7
powers, 8, 308
reports to the legislature, 6
seal, 5–6
use of term, 3
wampum keeper of Onondaga nation, 392–93
See also Education department; Regents
University scholarships, 22–26

Vacancies in office
boards of education, 83–84
district superintendent, 101
regents, 8
school director, 98
school officers, 62
school trustee, 62, 69
trustee of university institutions, 19
Vaccination of school children, 327–28
report on, 73

Ventilation of school-houses, 117, 118
Veterinary college, New York State, 283–84
Veterinary medicine and surgery, 10, 435–43
Vice-chancellor of university, 8
  powers, 8
Villages
  deposit, custody and payment of moneys in, 85–86
  libraries, 252
  taxes, corporate authorities to levy, 89
  union school districts in, notice of organization, 39–40
Visitation of schools, *see* Inspection
Visual instruction, provision for, 28
Vocational schools, 148
Voters
  challenges, 55–56
  penalty for false declaration or unauthorized vote, 56
  powers, 56–58
  qualifications at district meetings, 55
Wampum keeper of Onondaga nation, 392–93
Warrants
  for collection of taxes, 110
  comptroller's, for payment of school moneys, 131
  filing with town clerk, 115
Washington's birthday, 129, 331
  observance in public schools, 176
Waterclosets, 84, 121
Watertown, supreme court library, 276
Water-works, colleges may construct, 20–22
Wawarsing, assessment for school purposes of certain state lands in, 116
Witnesses, subpœnas to compel attendance of, 104
Women, district superintendents, 100
  hours of labor, 343–44
  may vote at school meetings, 55
Woodbury, assessment for school purposes of certain state lands in, 116

THIS BOOK IS DUE ON THE LAST DATE
STAMPED BELOW

AN INITIAL FINE OF 25 CENTS
WILL BE ASSESSED FOR FAILURE TO RETURN
THIS BOOK ON THE DATE DUE. THE PENALTY
WILL INCREASE TO 50 CENTS ON THE FOURTH
DAY AND TO $1.00 ON THE SEVENTH DAY
OVERDUE.

NOV 22 1934

LD 21–100m-7,'33

YC 43579

381741

LB2529
N73
1916

UNIVERSITY OF CALIFORNIA LIBRARY